



BULKY DOCUMENTS

(exceeds 300 pages)

Proceeding/Serial No: 91165519

Filed: 12-13-07

**Title: Applicants Notice of Filing Original
Transcripts of Trial Testimonies**

Part 1 of 2



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December 13, 2007

78/363,024

Trademark Trial and Appeal Board
U.S. Patent & Trademark Office
Madison East, concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

Re: *Corporacion Habanos, S.A., v. Annas, Inc.*
Our File No: 250316

Dear Clerk:

Please see enclosed Applicant's Notice of Filing Original Transcripts of Trial Testimonies, including the signed transcripts and exhibits thereto.

Thank you.

Very truly yours,

Pablo Perez, paralegal for
Jesus Sanchelima, Esq.

file

JS/pp

Enclosures:

Notice of Filing Original Transcripts of Trial Testimonies
(including transcripts and exhibits)



12-13-2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CORPORACION HABANOS, S.A.,

Opposer,

v.

ANNCAS, INC.,

Applicant.

Opposition No. 91165519

**APPLICANT'S NOTICE OF FILING
ORIGINAL TRANSCRIPTS OF TRIAL TESTIMONIES**

Applicant ANNCAS, INC. hereby notifies the Trademark Trial and Appeal Board ("TTAB") that the original transcripts of the trial testimonies of William Bock and Benjamin Gomez, with corrections and signatures, are being filed herewith via Express Mail to the TTAB, U.S. Patent and Trademark Office, Madison East, Concourse Level Room C 55, 600 Dulany Street, Alexandria, VA 22314, and that this Notice is also being filed via Express Mail. Copies of this Notice and transcripts are being served herewith on Opposer by regular U.S. Mail on this date.

Dated: December 13, 2007

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By: _____

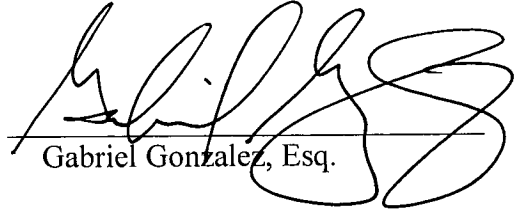
Gabriel Gonzalez, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the transcripts of the trial testimony of William Bock and Benjamin Gomez, including signature pages, and that one copy of the foregoing Notice of Filing Original Transcripts of Trial Testimonies, are being served on Opposer by postage prepaid United States Mail, on December 13, 2007, to:

David B. Goldstein and
Michael Krinsky
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C
Attorney for Opposer
111 Broadway, 11th Floor
New York, New York 10006

BY:


Gabriel Gonzalez, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition No. 91165519

CORPORACION HABANOS, S.A.,

Opposer,

vs.

ORIGINAL

ANNCAS, INC.,

Applicant.

Sanchelima & Associates, P.A.
235 Southwest LeJeune Road
Miami, Florida 33134
November 14, 2007
10:00 a.m.

DEPOSITION OF

WILLIAM BOCK

Taken before ROBERT H. CASTILLO, Court Reporter
and Notary Public for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in the
above cause.

- - -

CASTILLO & CASTILLO COURT REPORTERS - TEL. (305) 324-6311

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 On behalf of the Opposer

I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
William Bock	3	84		

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CASTILLO & CASTILLO COURT REPORTERS - TEL. (305) 324-6311

1 THEREUPON:

2 WILLIAM BOCK

3 was called as a witness by the Applicant and, having
4 been first duly sworn, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. SANCHELIMA:

8 Q. Good morning. Could you please state your
9 name and present occupation.

10 A. My name is William Bock. I'm president of
11 Anncas, Incorporated.

12 Q. Who owns Anncas, Incorporated?

13 A. I do.

14 Q. What does Anncas do?

15 A. We produce cigars for reselling in the
16 United States.

17 Q. How long has Anncas been in that business?

18 A. Anncas has been in the business since
19 1996.

20 Prior to that, we had a different --
21 operated in Minnesota under a different corporation;
22 that was North Star Imports, and that operated from
23 1996 to 1986 -- I mean 1986 to 1996.

24 Q. Were you also involved with that concern?

25 A. Yes, I was president.

1 Q. Prior to that, who did you work for?

2 A. I worked for American Cigar Company, a
3 division of American Tobacco out of New York City.

4 Q. And when did you start with the American
5 Cigar Company?

6 A. I believe it was 1965.

7 Q. So would it be fair to say that all of
8 your working career, you have been associated with the
9 cigar or tobacco industry?

10 A. Pretty much so. I had a few years, prior,
11 when I started out that I wasn't in the cigar business,
12 maybe five years, but the last 40 years-plus I have
13 been in the cigar business.

14 Q. Let's go back to the applicant in this
15 proceeding, Anncas.

16 What are the activities of Anncas, and
17 could you please tell us if there are any brands that
18 Anncas is marketing at the present time and for what
19 products?

20 A. Yes. We have a variety of different
21 brands that we produce and market, anywhere from what
22 we consider low end to a high-end cigar.

23 Q. Could you tell us what those brands are?

24 A. We have, that we manufacture, we have
25 Dynamite, American Stogies, Cuban Twist, Rough Rider

1 Sweets.

2 We also have, market a few brands that we
3 sold the brand names to, like Hoja del Rey, which we
4 don't own the trademark. We sold that trademark, but
5 we still market that cigar.

6 Q. Does Anncas at the present time sell a
7 cigar under the brand Havana Club?

8 A. Not at the present time.

9 Q. Does Anncas have intention to sell a cigar
10 bearing the mark Havana Club in the future?

11 A. Yes, we do.

12 Q. I show you what we have identified as
13 Exhibit 1...

14 MR. SANCHELIMA: And David, if you don't
15 mind, we will just put informal markings, and
16 then at the end the court reporter can maybe
17 certify that these are the exhibits?

18 MR. GOLDSTEIN: Okay. Do you want to call
19 them "Applicant 1" or "Bock 1" or?

20 MR. SANCHELIMA: We could call it
21 "Applicant's 1," Exhibit 1, or better "Bock
22 1," because you're right, we're going to have
23 another witness afterwards; "Bock Exhibit No.
24 1."

25 (Thereupon, Bock Exhibit No. 1 is marked for

1 identification.)

2 BY MR. SANCHELIMA:

3 Q. (Handing.) Mr. Bock, I show you what has
4 been identified as Exhibit 1, Bock Exhibit No. 1, and I
5 ask you if you recognize this document or what it
6 represents?

7 A. Yes, I do.

8 Q. Would you please tell us what it is?

9 A. That was the first draft of our Havana
10 Club label. It was just the very first draft. We have
11 had different people design different labels for us.
12 We have not finalized the label, the packaging.

13 Q. And, where do you intend to obtain the
14 tobacco that is going to be used for the Havana Club
15 cigar that you intend to commercialize?

16 A. It most likely would be in, from Honduras
17 or Nicaragua with a possibility of the Dominican
18 Republic.

19 Q. Do you know what type of tobacco will this
20 product have?

21 A. It will have Cuban-seed tobacco.

22 Q. Will that be for the wrapper?

23 A. Not necessarily the wrapper, but the
24 filler and binder; the wrapper we still are undecided.

25 Q. Now, of your other -- the other brands of

1 cigars that you've mentioned, where do you obtain the
2 tobacco for those cigars?

3 A. From the grower who makes the cigars for
4 us.

5 Q. What countries are they located in?

6 A. They are located in Nicaragua, Honduras,
7 and Dominican Republic, but they also have tobacco from
8 other regions like Panama or Costa Rica or Mexico that
9 we can use for the blending.

10 Q. Who does the purchasing of these cigars
11 for Anncas?

12 A. I do.

13 Q. And how long have you been purchasing
14 cigars for Anncas?

15 A. For Anncas and North Star, 20 years, 1986.

16 Q. And in the course of these activities of
17 purchasing cigars, could you please describe to us how
18 this procedure takes place?

19 A. Well, I normally, I make a trip to the
20 country that I want to have the cigar produced, and I
21 work with various, different tobaccos and pick out the
22 tobaccos I want for the blend, and then we blend them
23 and make samples. And once we find something that fits
24 the bill, we start production.

25 Q. And who decides what type of tobacco or

1 blend of tobacco is going to be utilized in the
2 different brands that you market?

3 A. I do.

4 Q. And how do you specify what these blends
5 are?

6 A. Well, I would want to, basically the
7 most-prominent tobacco is Cuban-seed tobacco. There is
8 also Mexican tobacco, and Costa Rican. And I would
9 describe it in those terms.

10 Q. Have you ever heard the term, "Moron"
11 (ph)?

12 A. Yes; that's a Mexican tobacco.

13 Q. Do all the brands that you market contain
14 Cuban-seed tobacco?

15 A. The majority of them.

16 Q. Are there some brands that do not contain
17 Cuban-seed tobacco?

18 A. Yes, as far -- that I'm aware of. There
19 is one that does not.

20 Q. Which one is that?

21 A. The Cibao, C-I-B-A-O line which I don't
22 manufacture. I just distribute it.

23 Q. What kind of tobacco do you order for that
24 brand?

25 A. It's a blend that they supply me, because

1 it's their brand, and I believe it's pure -- Dominican
2 out of Connecticut seed, but I don't know the exact
3 blend on that one.

4 Q. And would you order Cuban-seed tobacco as
5 a replacement for the tobacco that you are now using
6 for this Cibao brand?

7 A. No, because it's their -- if I were to do
8 it, but it's -- I can't, because it's their brand. I
9 don't, I just sell that brand. I don't manufacture
10 that brand.

11 Q. I see.

12 Now, if you were not allowed to use
13 Cuban-seed tobacco to specify the tobacco that you want
14 in your cigars, what other equivalent terms would you
15 use?

16 A. I know of none that we could substitute
17 for. It's just the standard seed that we use
18 throughout the industry.

19 Q. Has the Applicant or you ever stated in
20 your packaging or advertising materials that your
21 cigars come from Cuba?

22 A. No.

23 Q. Are the cigars or the tobacco contained in
24 the cigars made in Cuba?

25 A. No. It's against the law to use that.

1 Q. How do you know that?

2 A. Because I have researched it online, and
3 there is different -- everybody really knows it, but I
4 have -- I think I sent it to you. I have a record that
5 shows that what you can't, how the government describes
6 it. Everybody in the industry knows.

7 MR. GOLDSTEIN: Objection to what
8 everybody and everyone knows.

9 MR. SANCHELIMA: All right.

10 I'm going to mark this as Bock Exhibit No.

11 2.

12 (Thereupon, Bock Exhibit No. 2 is marked
13 for identification.)

14 (Thereupon, a short recess is taken.)

15 BY MR. SANCHELIMA:

16 Q. I hand you what has been identified as
17 Bock Exhibit No. 2.

18 Have you seen that document before?

19 A. Yes, I have.

20 Q. Where did you see this document before?

21 A. I'm not sure if you sent it to me or I
22 pulled it up online, but I have this in my things in my
23 file from you on different paperwork.

24 Q. What do you use this document for?

25 A. Well, if anybody ever questions the use of

1 Cuban seed, this document says that it is perfectly
2 legal to have Cuban seed tobacco grown but from a
3 third-world country of Cuban seed.

4 Q. And being in this business over the years
5 that you have been in this business, do you know if it
6 is common knowledge for people to know that it is
7 forbidden under U.S. Embargo to import Cuban cigars?

8 A. Well, almost everybody unless they're --
9 everybody knows you cannot import Cuban cigars; that's
10 one of the things.

11 We state in our packaging that these
12 cigars are made from Cuban seed in Nicaragua; that's
13 all we state. We don't state -- grown only out of
14 Cuban seed, which is perfectly legal.

15 Q. I have in front of you some products, two
16 products, one in a box and the other one in a -- one in
17 a box, and the other one in a wooden box and the other
18 one in a carton box. (Indicating.) Do you recognize
19 those?

20 A. Yes, products that we manufacture and sell
21 here in the United States.

22 MR. SANCHELIMA: I'm going to ask the
23 court reporter to mark as Bock No. 3, the wooden
24 box, and as No. 4, the cigars that come in the
25 carton box. And I have photographs that I

1 believe depict, reliably, what these products
2 look like from the bottom, from the underside of
3 the top cover and the outside cover.

4 And I'm going to ask Counsel to review the
5 photographs. We're going to start with Bock No.
6 3.

7 (Thereupon, Bock Exhibit No. 3 is marked
8 for identification.)

9 BY MR. SANCHELIMA:

10 Q. (Handing.) Mr. Bock, I show you what has
11 been identified as Bock No. 3. And I believe you
12 mentioned you recognized this box.

13 Please state what this is.

14 A. Pardon me?

15 Q. Could you please tell us what this is?

16 A. This is a box of America Stogies that we
17 manufacture in Nicaragua.

18 Q. I call your attention to the top of the
19 box, and it says they are handmade in Nicaragua.

20 And my question to you is: Do all the
21 boxes that you manufacture or have manufactured include
22 this designation?

23 A. Yes. U.S. Customs requires, and we follow
24 their -- because they can -- very strict on it -- that
25 the country of origin on a box of cigars that have to

1 be sold by individual, has to be marked on the bottom,
2 on the top, and if they're sold individually, it has to
3 be marked on the inside lid.

4 There is no confusion where this cigar
5 comes from, and that's the intention of U.S. Customs.

6 Q. Do you mark all your products with the
7 country of origin?

8 A. Yes, we do.

9 Q. I call your attention to what has been
10 identified as --

11 A. Let me also state --

12 Q. All right.

13 A. -- on each box, there is a guarantee seal
14 from the country so it is actually marked in four
15 spots. This is the country of origin, Nicaragua.
16 (Indicating.)

17 Q. I don't think it is shown in the picture.

18 A. This one could be removed, but I mean it's
19 on there. It was cut, the top part.

20 Q. It's typically the seal of the country of
21 origin, of the country of manufacturer?

22 A. Yes.

23 Q. And you break that seal when you open the
24 box?

25 A. Yes.

1 Q. I think on the next exhibit we'll see part
2 of that seal.

3 (Thereupon, Bock Exhibit No. 4 is marked
4 for identification.)

5 BY MR. SANCHELIMA:

6 Q. (Hanging.) Now, this is Exhibit 4. Could
7 you tell us what this is?

8 A. This is a six-pack of cigars that are sold
9 as a package. When it's sold, according to U.S.
10 Customs regulations, as a six pack, just the country of
11 origin has to be marked on the front of the pack.

12 Q. And on this one it says, "handmade in
13 Nicaragua."

14 A. Handmade in Nicaragua.

15 Q. My question to you: Do all the packaging
16 for these American Stogies have that designation there?

17 A. Oh, yes. Yes.

18 Q. And these photographs that we're going to
19 be introducing in lieu of the actual product, do they
20 depict, reliably, what we have here?

21 A. Yes, they do. They're exact pictures.

22 Q. And the green seal there that says,
23 "Nicaragua," is that the seal that you were referring
24 to that's --

25 A. Yes, it's put underneath the cellophane.

1 Q. And to be able to open this box, you
2 actually need to break that seal; correct?

3 A. That's correct.

4 And the same with the seal on the wooden
5 box. It's under the cellophane.

6 Q. Do you intend to market your cigars
7 bearing the mark "Havana Club" as Cuban cigars?

8 A. No, it would be against the law.

9 Q. Do you know if there are any cigars grown
10 in the City of Havana?

11 A. No, I don't believe there is any tobacco
12 grown in Havana. It's in the country.

13 Q. That's what I meant. I'm sorry. Tobacco
14 grown in the City of Havana?

15 A. No. There is no tobacco grown in Havana
16 that I'm aware of. I don't know where it would be.

17 MR. GOLDSTEIN: Objection. It's pure
18 speculation.

19 BY MR. SANCHELIMA:

20 Q. Who was the person who selected the mark,
21 "Havana Club"?

22 A. I did.

23 Q. And, could you tell us why you selected
24 this mark?

25 A. Well, Havana Club to me represents a smoky

1 club back in the '30's when Ernest Hemingway and his --
2 the people that smoked cigars and this type of people
3 were congregated in the clubs, and that's what Havana
4 Club means. It's something from the past that, where
5 these people like Hemingway and his friends gathered
6 and he's quite a known cigar smoker.

7 Q. And the word "Havana" by itself, what does
8 it mean to you?

9 A. Just, that's Havana. It doesn't -- not
10 what I'm trying to portray that -- I'm saying it's a
11 club, Havana Club. It's a smoky club that they used to
12 congregate in.

13 Q. That's Havana Club?

14 A. Yes.

15 Q. Now, the word "Havana" by itself, what
16 does it mean?

17 A. Well, it means Havana, the capital of
18 Cuba.

19 Q. Do you claim exclusive rights over the
20 term "Havana"?

21 A. No, I do not.

22 Q. Do you know of any other brands of cigars
23 that utilize the word "Havana"?

24 A. Yes, there's quite a few.

25 Q. And do you know of any other brands of

1 cigars that use the word "Habana"?

2 A. Yes, I do.

3 Q. And I meant "Habana" with a "b" instead of
4 a "v."

5 A. Yes.

6 Q. Could you please tell us a few of those
7 marks that you know that utilize the word either
8 "Havana" or "Habana" as part of their brand?

9 A. You mean name them all?

10 Q. Well, if you can tell us a few.

11 A. It would be awful hard to name them all,
12 but there's --

13 MR. GOLDSTEIN: Wait. I object to the
14 form of the question.

15 MR. SANCHELIMA: Excuse me. You object to
16 what?

17 MR. GOLDSTEIN: The form of the question.

18 MR. SANCHELIMA: All right. I will
19 withdraw, and I'll ask it again.

20 BY MR. SANCHELIMA:

21 Q. What brands of cigars you're aware of that
22 utilize the word Havana or the word Habana as part of
23 the brand?

24 A. Off the top of my head, and I have them
25 all documented, but there is Havana Honeys, Havana

1 Sunrise, Havana Soul, Havana Sweets. There's -- I know
2 of 48 that I've researched that are -- have
3 registration approved by the trademark. They have
4 their registration number, and I think we have those
5 here.

6 Q. Have you seen those brands that you just
7 mentioned in the market in the United States?

8 A. Yes, I have.

9 (Thereupon, Bock Exhibit No. 5 is marked
10 for identification.)

11 BY MR. SANCHELIMA:

12 Q. Mr. Bock, I hand you what has been
13 identified as Bock Exhibit No. 5, and I ask you if you
14 recognize these documents?

15 A. Yes, I do. Those are the marks that are
16 listed on this page. (Indicating.)

17 MR. SANCHELIMA: How many pages do you
18 have there, David?

19 MR. GOLDSTEIN: I have seven.

20 MR. SANCHELIMA: You have seven.

21 So you both have seven. All right.

22 BY MR. SANCHELIMA:

23 Q. What are those documents?

24 A. These are the -- when I researched the
25 trademark, these are the documents with Havana that

1 have some Havana Classics or Havana Honey that have
2 registrations pertaining to cigars.

3 Q. Where did you get that --

4 A. On the government, I think it's called
5 PATO or something like this. It's a site that the
6 government produces which you can go in and track
7 trademarks that I used originally when I first
8 researched Havana Club and I found that available.

9 Q. Who performed this printout?

10 A. I did.

11 MR. GOLDSTEIN: This is 5?

12 MR. SANCHELIMA: That's 5.

13 MR. GOLDSTEIN: I object to this document.

14 MR. SANCHELIMA: Okay.

15 (Thereupon, Bock Exhibit No. 6 is marked
16 for identification.)

17 BY MR. SANCHELIMA:

18 Q. I also hand you what has been identified
19 as Exhibit No. 6.

20 Could you tell us what that is?

21 A. Yes. This is also from U.S. Trademarks
22 cite.

23 MR. GOLDSTEIN: Can I get a copy?

24 THE WITNESS: It's the records, Habana
25 is spelled with a "b" instead of an "v".

1 MR. GOLDSTEIN: Wait. Wait.

2 THE WITNESS: There's two different
3 spellings, and I pulled them both up.

4 BY MR. SANCHELIMA:

5 Q. So, is this one with a "b"?

6 A. This is one with a "b"; H-A-B-A-N-A.

7 Q. And this is also from the U.S. Patent and
8 Trademark Office?

9 A. Yes, that is correct.

10 Q. And it says here at the top, "Trademark
11 Electronic Search System."

12 A. Yes.

13 Q. Is that part of it?

14 A. Yes.

15 Q. That's the database that you used?

16 A. Yes, it is.

17 MR. GOLDSTEIN: I object to this document.

18 BY MR. SANCHELIMA:

19 Q. Some of these entries in these two
20 documents are marked with a yellow highlighter.

21 Could you please tell us why?

22 A. Because in order -- I had to research each
23 and every document to see if they pertained to cigars,
24 if they were in Class 34. And I highlighted the yellow
25 ones that were in Class 34, and then I went back and

1 reprinted the ones that actually had a registration
2 number.

3 Q. I see some notations here in red.

4 A. There were 17 in this record that were
5 registered. And 31 on this with the name -- 17 with a
6 "b", and 31 with a "v" for a total of 40. I just made
7 a notation to myself.

8 Q. For a total of what?

9 A. Forty-eight.

10 Q. This notation, 48, with red ink; whose
11 handwriting is that?

12 A. That is mine. I just made a notation of
13 my own to see how many were actually registered.

14 There is 192, but not all are cigars. And
15 I just wanted to see how many were actually registered,
16 and I made that notation to myself.

17 Q. When you say "registered," you mean that
18 appeared on this list; is that what you're saying?

19 A. No. I'm saying that actually have a
20 trade, a registration number from the Trademark Office.
21 There's 48 -- in other words, some of these, like these
22 right here, (indicating), don't have a trademark, but
23 the ones that have a trademark, there's actually 48
24 total.

25

1 (Thereupon, Bock Exhibit No. 7 is marked
2 for identification.)

3 BY MR. SANCHELIMA:

4 Q. I hand you this, and I ask you if you have
5 seen this before?

6 MR. SANCHELIMA: I give a copy to Counsel.

7 BY MR. SANCHELIMA:

8 Q. Do you recognize that document?

9 A. Yes. These are what I printed up, the
10 ones that are actually registered.

11 Q. Now, on their Word Mark, it says "Habana
12 Gold."

13 A. Correct.

14 Q. Is that the reason why you marked it on
15 Exhibit 6?

16 A. Yes, because it had a registration. It is
17 an active registration. And it also says, "cigars
18 produced from Cuban seed" on their registration. And I
19 believe that they state here that -- well, it doesn't
20 say that it has exclusive use, but...

21 Q. Are you referring to Page 2?

22 A. Yes; right. They state that they don't
23 have the exclusive right to the use of the name
24 "Havana," which we know because we researched that.

25 This is Record 26, so it looks like we're

1 working, they're out of order because I went right down
2 and printed them up as this sheet.

3 Q. They may be out of order. I will grant
4 you that.

5 I hand you what will be identified as --

6 MR. GOLDSTEIN: I object to Exhibit 7.

7 MR. SANCHELIMA: This will be Exhibit 8.

8 Well, at the very outset, could you please
9 state the objection that you have in case that
10 it can be cured, I have the witness here and
11 I'll try to cure it. If it cannot be cured,
12 then we'll just move on.

13 (Thereupon, Bock Exhibit No. 8 is marked
14 for identification.)

15 MR. GOLDSTEIN: Lists third-party marks
16 which are irrelevant in the proceeding.

17 MR. SANCHELIMA: Why?

18 MR. GOLDSTEIN: And I also have objection
19 that I can't tell what some of these things are,
20 but I think -- I don't think he's testified
21 enough to have them admissible, but in any event
22 they're irrelevant.

23 MR. SANCHELIMA: All right.

24 Is relevancy the reason why --

25 MR. GOLDSTEIN: There's two objections;

1 there's a relevancy objection, which is that
2 third-party marks are not relevant to whether
3 Havana Club is register able.

4 That will be a legal argument that we'll
5 argue over in a proceeding.

6 And I can't tell from his testimony -- I
7 don't think he's testified enough to identify
8 what these documents are. But that, you can
9 agree or disagree with me.

10 MR. SANCHELIMA: Okay.

11 BY MR. SANCHELIMA:

12 Q. Let's continue.

13 I hand you what has been identified as
14 Bock Exhibit No. 8, and I ask you if you recognize this
15 document?

16 A. Yes, I do.

17 Q. Who printed this document?

18 A. Who printed the document? I did.

19 Q. Where did you print this?

20 A. At my office.

21 Q. And how did you obtain the information to
22 print this up?

23 A. From the U.S. Trademark's Web site. It's
24 a "dot gov." I have it in the computer. I just --

25 Q. Is it "USPTO.gov"?

1 A. Yes, that's it.

2 Q. So this notation that appears at the
3 bottom of the page, "http://tess2.uspto.gov," etc., was
4 that printed from your printer at home or at your
5 office?

6 A. At my office, yes.

7 Q. All right.

8 And all these documents came from that
9 particular Web site?

10 A. That's correct.

11 Q. Do you know if that's the government Web
12 site?

13 A. It's a government Web site. You type --
14 "dot gov." It's official trademark and registration
15 Web site.

16 Q. Why did you print this particular
17 document?

18 A. Because I wanted to see how many people
19 were using the name, "Havana."

20 Q. And in this case, it says "Habana" with a
21 "b."

22 A. That's correct. And it's, and the people
23 that are opposing.

24 Q. What do you mean by that? You mean by --

25 A. They have --

1 Q. By the name of the registrant; is that
2 what you're --

3 A. Right. They have this name registered in
4 the United States. But another research I did, they
5 don't have the name registered internationally.

6 Q. And this particular entry that you filed,
7 Exhibit Bock No. 8, does it have a disclaimer language?

8 A. Yes, it does.

9 Q. What does the disclaimer language say?

10 A. (As read), "No claim is made to the
11 exclusive word -- to exclusive right to use the word
12 Habana, Habana Cuba"... "apart from the mark as shown."

13 (Thereupon, Bock Exhibit No. 9 is marked
14 for identification.)

15 BY MR. SANCHELIMA:

16 Q. I hand you what will be identified as Bock
17 Exhibit 9.

18 And, again, I ask you whether you have
19 seen this document before?

20 A. Yes, I have.

21 Q. Who printed this document?

22 A. I did.

23 Q. From the same Web site?

24 A. Yes.

25 Q. Now, I will be showing you similar

1 documents here. If there's any ones that you have not
2 printed or that do not come from the "uspto.gov" Web
3 site, could you please point it out to me?

4 A. Yes, indeed.

5 MR. SANCHELIMA: Would it be better for
6 you if we were to stipulate along those lines
7 that you would tell me rather than repeating
8 the same questions?

9 MR. GOLDSTEIN: Okay. And I'll just
10 maintain my, I guess, the standing objections to
11 relevance, the admissibility of these to prove
12 any facts that are relevant here.

13 MR. SANCHELIMA: Well, I have tried to
14 cure any problems with the authenticity of these
15 documents to the best of my ability. I will
16 continue then along this line.

17 (Thereupon, Bock Exhibit No. 10 is marked
18 for identification.)

19 BY MR. SANCHELIMA:

20 Q. Mr. Bock, I hand you what has been
21 identified as Exhibit 10. I ask you if you have seen
22 this document before?

23 A. Yes, I have.

24 Q. Who printed this document?

25 A. I did.

1 Q. You understand, unless it has not been
2 printed by you or unless it doesn't come by the United
3 States Patent and Trademark Office, you will bring that
4 to my attention --

5 A. Yes.

6 Q. -- and subject to the objection of
7 Counsel.

8 A. Yes.

9 (Thereupon, Bock Exhibit No. 11 is marked
10 for identification.)

11 BY MR. SANCHELIMA:

12 Q. (Handing.) Well, this is the same thing
13 with Bock Exhibit 11. Have you seen this document
14 before?

15 A. Yes, I have.

16 Q. This is -- 11 is for the mark, Giraldilla
17 De La Habana, handmade cigars; is that correct?

18 A. That's correct.

19 (Thereupon, Bock Exhibit No. 12 is marked
20 for identification.)

21 BY MR. SANCHELIMA:

22 Q. (Handing.) Now, same thing for Exhibit
23 12, which is "JR Clear Habana."

24 Your testimony is the same with respect to
25 this mark?

1 A. Correct.

2 (Thereupon, Bock Exhibit No. 13 is marked
3 for identification.)

4 BY MR. SANCHELIMA:

5 Q. And with respect to Fonseca Habana
6 Seleccion --

7 A. Correct.

8 Q. -- would your testimony be the same for
9 this mark?

10 A. Yes.

11 (Thereupon, Bock Exhibit No. 14 is marked
12 for identification.)

13 BY MR. SANCHELIMA:

14 Q. And with respect to H C Cuba Cigar Company
15 Premier Selection, would your testimony be the same?

16 A. Yes.

17 MR. GOLDSTEIN: Could we go off the
18 record just for a second?

19 (Discussion off the record.)

20 BY MR. SANCHELIMA:

21 Q. Mr. Bock, when I asked you before to name
22 some of the marks that you know are in the market today
23 and/or registered and/or applied for, you mentioned a
24 few.

25 Would it be possible for you to mention

1 all of them if you were not aided by this document?

2 A. I would not be able to recall all of them,
3 but quite a few, but this refreshes my memory, the ones
4 that I have seen.

5 (Thereupon, Bock Exhibit No. 15 is marked
6 for identification.)

7 BY MR. SANCHELIMA:

8 Q. With respect to Bock No. 15, Cuban
9 Pleasures Habana Cuba; is your testimony the same?

10 A. Yes.

11 Q. And I also call your attention here that
12 in -- the registrant here has included a description
13 that says, "Cigars made in part of tobacco grown from
14 Cuban seeds and made in the Cuban style of
15 hand-rolling."

16 My question to you is: The cigars that
17 you plan to market with the Havana Club mark, would
18 they be similar to those described in this particular
19 registration No. 15?

20 A. All the cigars I make are handmade. We
21 don't make any machine-made cigars. And it would be
22 similar...

23 (Thereupon, Bock Exhibit No. 16 is marked
24 for identification.)

25 BY MR. SANCHELIMA:

1 Q. (Hanging.) Bock Exhibit 16, for the mark,
2 "Habana Gold"; is your testimony the same, you printed
3 this from the Web site of the government?

4 A. Yes.

5 Q. Have you seen this product in the market
6 in the United States?

7 A. Yes, I have.

8 Q. And I call your attention, it says,
9 "Cigars produced from Cuban-seed tobacco."

10 Would your cigars with the brand, "Havana
11 Club" be similar?

12 A. Yes, with regard to the Cuban-seed
13 tobacco.

14 (Thereupon, Bock Exhibit No. 17 is marked
15 for identification.)

16 BY MR. SANCHELIMA:

17 Q. (Hanging.) With respect to Bock No. 17,
18 La Vieja Habana, the same question, is your testimony
19 the same as the previous one of No. 16?

20 A. Yes.

21 (Thereupon, Bock Exhibit No. 18 is marked
22 for identification.)

23 BY MR. SANCHELIMA:

24 Q. (Hanging.) We're now at Bock No. 18 for
25 Habana Gold, in what appears to be somewhat stylized

1 letters.

2 A. Right. This is the logo, and that was the
3 name. (Indicating.)

4 Q. And, as the Word Mark?

5 A. Uhm-hmm.

6 Q. And is your testimony the same as before?

7 A. Yes, it is.

8 MR. GOLDSTEIN: When you say "the
9 testimony is the same," are you testifying under
10 oath here that you know that each one of these
11 marks is in the market, or is your testimony
12 the same that...

13 THE WITNESS: That I printed them up.

14 MR. GOLDSTEIN: That you printed them up?

15 THE WITNESS: That I printed them up.

16 Most of these I recognize as seeing it in
17 the market from time -- or advertising on them.

18 I'm not stating that I know that every one
19 of them is in the market.

20 MR. SANCHELIMA: All right.

21 BY MR. SANCHELIMA:

22 Q. Mr. Bock, some of these you know for a
23 fact that they are in the market?

24 A. Yes, I do.

25 Q. In the case of Habana Gold, for instance,

1 you printed it in the original exhibits of the
2 printouts 5 and 6 and from those printouts you
3 identified or attached 34 and then you printed this
4 out; is that your testimony?

5 A. That is actually true.

6 Q. But in addition to that, you also
7 recognize from your experience that some of these marks
8 are in the marketplace?

9 A. That is correct, or I've seen
10 advertisements to the effect or articles to the effect.

11 Q. So, in the case of Habana Gold, in
12 particular, do you know if this particular brand is in
13 the U.S. market?

14 A. I've seen it in the U.S. market.

15 (Thereupon, Bock Exhibit No. 19 is marked
16 for identification.)

17 BY MR. SANCHELIMA:

18 Q. (Handing.) With respect to Bock No. 19,
19 is your testimony the same, and by the testimony the
20 same is whether or not this is part of the original
21 printout, whether it Bock No. 5, No. 6, and as a result
22 of that, you printed?

23 A. That is correct.

24 Q. And this is for the mark, "Monsenor De La
25 Habana"?

1 A. Yes.

2 Q. Have you seen this particular brand in the
3 market?

4 A. No, I haven't, but that particular company
5 is very big in mail orders, so I probably have not seen
6 that in a store.

7 Q. Are you referring to Thompson & Company of
8 Tampa, Inc.?

9 A. That's correct. They're a very large mail
10 order company.

11 Q. And that's the registrant listed in Bock
12 No. 19; is that correct?

13 A. Yes. Personally, I have not seen that
14 brand in the stores.

15 (Thereupon, Bock Exhibit No. 20 is marked
16 for identification.)

17 BY MR. SANCHELIMA:

18 Q. (Handing.) With respect to Bock No. 20,
19 is your testimony the same with respect to Bock No. 20
20 for the mark, "Habana Real"?

21 A. Yes.

22 Q. These are described as cigars made from
23 Cuban-seed tobacco, which you previously testified
24 would be similar to yours.

25 Now, my question is: In addition, do you

1 know if Habana Real cigars are in the U.S. market?

2 A. I cannot say I personally recall seeing
3 those in the market.

4 Q. Do you know of a company by the name of
5 Danli Tobacco Shop, Inc.?

6 A. No, I've never been in there.

7 (Thereupon, Bock Exhibit No. 21 is marked
8 for identification.)

9 BY MR. SANCHELIMA:

10 Q. (Handing.) With respect to Bock No. 21,
11 the same question: Have you seen this document before?

12 A. Yes, I have.

13 Q. And would you testify the same way as you
14 testified with respect to where it came from and that
15 you printed it?

16 A. I printed it myself.

17 Q. Now, this mark, "Vegas Robaina R Habana
18 Cuba," have you seen this mark in the U.S. market
19 before?

20 A. I do not recall seeing it, no.

21 Q. And the registrant here is Corporacion
22 Habanos S.A, which is the Opposer; right?

23 A. Right. I didn't know that.

24 (Thereupon, Bock Exhibit No. 22 is marked
25 for identification.)

1 BY MR. SANCHELIMA:

2 Q. (Hanging.) With respect to Bock No. 22,
3 marked, "Edmundo Dantes La Habana Cuba," was this
4 printed from your list?

5 A. Yes, it was.

6 (Thereupon, Bock Exhibit No. 23 is marked
7 for identification.)

8 BY MR. SANCHELIMA:

9 Q. (Hanging.) I have marked Bock No. 23,
10 which corresponds to the mark, "Punch Gran Fabrica De
11 Tabacos Punch, De J. Valley CA Manuel Lopez Habana."

12 Is your testimony the same?

13 A. Yes, it is.

14 Q. And do you know if this mark --

15 A. I have seen it marketed quite --

16 Q. Let me ask the question, sir.

17 Have you seen this mark in the U.S.
18 market?

19 A. Yes, I have.

20 Q. Do you know a company by the name Villazon
21 & Company?

22 A. I'm familiar with it.

23 (Thereupon, Bock Exhibit No. 24 is marked
24 for identification.)

25 BY MR. SANCHELIMA:

1 Q. (Hanging.) We have marked Bock No. 24,
2 with the mark, "Bacchante Habana."

3 Is your testimony the same as before?

4 A. Yes.

5 Q. Have you seen this mark in the U.S.
6 market?

7 A. Not that I'm aware of.

8 MR. GOLDSTEIN: Which is that one?

9 MR. SANCHELIMA: 24.

10 MR. GOLDSTEIN: Do I get it? I have 23.

11 MR. SANCHELIMA: (Hanging.) I'm sorry.

12 (Thereupon, Bock Exhibit No. 25 is marked
13 for identification.)

14 BY MR. SANCHELIMA:

15 Q. (Hanging.) Now, for Bock No. 25, the
16 mark, "Belinda Habana;" is your testimony the same?

17 A. Yes, it is.

18 Q. Have you seen this mark in the U.S.
19 market?

20 A. Yes, I have.

21 Q. Do you know a company by the name
22 Fernandez, Palicio Y CIA.?

23 A. No, I'm not familiar with that one.

24 Q. Do you know of a company by the name
25 Villazon & Company?

1 A. Villazon; yes, I do.

2 (Thereupon, Bock Exhibit No. 26 is marked
3 for identification.)

4 BY MR. SANCHELIMA:

5 Q. (Handing.) I have marked Bock No. 26 with
6 the mark, "Havana Classico."

7 Is your testimony the same?

8 A. Yes.

9 Q. And have you seen this mark, "Havana
10 Classico" in the market?

11 A. Not that I recall.

12 Again, that's a mail order company; maybe
13 that's why.

14 Q. Do you know a company by the name of
15 Cigars International, Inc.?

16 A. Yes, I do.

17 MR. GOLDSTEIN: This is which No.?

18 MR. SANCHELIMA: 26, Havana Classico.

19 MR. GOLDSTEIN: And what is his testimony
20 about whether he saw this in the market?

21 THE WITNESS: I have not seen it in the
22 market. It's a mail order company.

23 (Thereupon, Bock Exhibit No. 27 is marked
24 for identification.)

25 BY MR. SANCHELIMA:

1 Q. (Handing.) 27; Havana Honeys. Is your
2 testimony the same with respect to the printing and
3 downloading of this particular exhibit?

4 A. Yes.

5 I believe I submitted some advertising
6 that I printed up on that one also.

7 Q. Have you seen this mark, "Havana Honeys"
8 in the U.S. market?

9 A. It's quite-widely distributed, yes.

10 Q. Do you know a company by the name of
11 Havana Honeys Holdings?

12 A. I'm familiar with them.

13 (Thereupon, Bock Exhibit No. 28 is marked
14 for identification.)

15 BY MR. SANCHELIMA:

16 Q. Now, I hand you what has been identified
17 as Bock Exhibit 28.

18 Have you seen this document before?

19 A. Yes, I have.

20 Q. Where did you see this document before
21 today?

22 A. I had printed it up. I'm not sure if I
23 printed it from a Web site -- their Web site or their
24 ad. I believe it was from their Web site.

25 Q. This is for what brand?

1 A. Havana Honeys.

2 Q. Is this the same mark that we were talking
3 about before, Exhibit 27?

4 A. Yes.

5 Q. And this is the brand that you stated that
6 is widely distributed in the United States?

7 A. That's correct.

8 MR. GOLDSTEIN: I object to the admission.
9 BY MR. SANCHELIMA:

10 Q. How do you know that this brand, "Havana
11 Honeys" is widely distributed in the United States?

12 A. Because it's in most smoke shops. At the
13 trade shows, they hire girls to go around with samples
14 and pass out samples. They promote it very, very
15 heavily. And they contacted me, also, to be a
16 distributor for them.

17 Q. Do you attend trade shows?

18 A. Yes, I do.

19 Q. What are the trade shows you attend?

20 A. I attend the RTDA. That's the main trade
21 show. I also attend a few smaller trade shows that are
22 regional.

23 Q. And what publications do you receive on a
24 regular basis?

25 A. I receive the RTDA Almanac.

1 I receive Smoke Magazine, and Tobacconist
2 Magazine --

3 Q. We have marked --

4 A. -- and Tobacco Retailer, also.

5 (Thereupon, Bock Exhibit No. 29 is marked
6 for identification.)

7 BY MR. SANCHELIMA:

8 Q. -- we have marked this Bock No. 29,
9 another "Havana Honeys" mark that has been originally
10 published for our position and this is for the Word
11 Mark, "Havana Honeys."

12 Now, is your testimony the same as to the
13 printing and the downloading of this?

14 A. Yes, it is.

15 Q. All right.

16 And of course you already testified about
17 this mark being commercialized in the United States;
18 right?

19 A. Yes.

20 (Thereupon, Bock Exhibit No. 30 is marked
21 for identification.)

22 BY MR. SANCHELIMA:

23 Q. (Handing.) Bock No. 30; is your testimony
24 the same with respect to "Grand Havana House of
25 Cigars"?

1 A. I see, yes, I printed it; but I see I made
2 a mistake on this. This is not under Class 34. It's
3 Class 35. And I didn't have to print it.

4 Q. Well, I call your attention to, "goods and
5 services." It says, "cigar" --

6 A. And "retail services," yes.

7 Q. So it's in the -- "retail services" and
8 "cigar."

9 A. Right.

10 Q. In other words, "cigar and accessories
11 retail store services."

12 So, is your testimony that the ones that
13 you printed individually did not include any other
14 application or registration --

15 A. Only cigars.

16 Q. Only in the Class 34?

17 A. That's correct.

18 And according to my master list I printed,
19 I probably printed that one because it does not -- this
20 one is not registered.

21 Q. Is not registered. It was approved for
22 publication?

23 A. Uhm-hmm.

24 If you look at the master list, No. 5, it
25 shows...

1 Q. So this is 30?

2 A. Yes.

3 (Thereupon, Bock Exhibit No. 31 is marked
4 for identification.)

5 BY MR. SANCHELIMA:

6 Q. (Hanging.) Now, we have marked as Bock 31
7 the mark, "Havana Moassel."

8 Is your testimony the same with respect to
9 this particular mark?

10 A. Yes, it is.

11 Q. Have you seen this mark in the market?

12 A. No, I haven't.

13 (Thereupon, Bock Exhibit No. 32 is marked
14 for identification.)

15 BY MR. SANCHELIMA:

16 Q. (Hanging.) With respect to Bock No. 32
17 for the mark, "Havana Soul," is your testimony the
18 same?

19 A. Yes, it is.

20 Q. Have you seen this mark, "Havana Soul" in
21 the U.S. market?

22 A. Yes, I have.

23 Q. Are you acquainted with a company by the
24 name of Cigar King?

25 A. Yes, I am.

1 Q. How do you know that this mark, "Havana
2 Soul" is being commercialized in the United States?

3 A. Well, I make cigars for Cigar King, and
4 I've talked to him about the -- this.

5 Q. Other than the "Havana Soul" mark, the
6 cigars that you've made for Cigar King Limited were not
7 Havana Soul?

8 A. No. No. No. I make it a private label
9 for him.

10 Q. And that's how you know that they also
11 market Havana Soul?

12 A. That's correct. He has several.

13 (Thereupon, Bock Exhibit No. 33 is marked
14 for identification.)

15 BY MR. SANCHELIMA:

16 Q. (Handing.) Now, with respect to Bock No.
17 33 for the mark "Havana Sun Grown," is your testimony
18 the same?

19 A. Yes.

20 Q. Have you seen this brand of cigars in the
21 U.S. market?

22 A. Yes, I have.

23 Q. Do you know a person by the name of Alan
24 Rubin?

25 A. Yes, I do.

1 Q. Who is he?

2 A. He's a cigar manufacturer like myself that
3 lives here in Florida.

4 Q. How do you know him?

5 A. I see him down in Honduras and Nicaragua
6 when he's at the factories doing his blendings and
7 things like that.

8 Q. So you know for a fact that he is selling
9 the brand Havana Sun Grown cigars?

10 A. Yes.

11 (Thereupon, Bock Exhibit No. 34 is marked
12 for identification.)

13 BY MR. SANCHELIMA:

14 Q. (Handing.) With Bock No. 34, with the
15 mark "Havana Group Cigars," I ask you the same
16 question: Did you download and print this particular
17 document?

18 A. Yes, I did.

19 Q. Do you know if this brand, "Havana Group
20 Cigars," is being used in commerce in the United
21 States?

22 A. No, I do not know.

23 (Thereupon, Bock Exhibit No. 35 is marked
24 for identification.)

25 BY MR. SANCHELIMA:

1 Q. (Handing.) With respect to No. 35 with
2 the mark "Havana Dreams Cigar Factory," is your
3 testimony the same with respect to this document?

4 A. Yes, it is.

5 Q. And now with respect to whether or not you
6 know that this mark "Havana Dream Cigar Factory" is
7 being sold in the United States market?

8 A. I do not.

9 Q. You do not know whether or not it's been
10 sold or is being sold?

11 A. No.

12 MR. GOLDSTEIN: Was that 34?

13 MR. SANCHELIMA: 35.

14 Let's go back and make sure that you have
15 all the numbers. You're okay?

16 MR. GOLDSTEIN: I have two 33's.

17 (Thereupon, Bock Exhibit No. 36 is marked
18 for identification.)

19 BY MR. SANCHELIMA:

20 Q. (Handing.) With respect to Bock No. 36
21 for the mark "La Habanera" and design, my question is
22 the same with respect to the printing and downloading;
23 did you do this?

24 A. I did this. Yes, I did.

25 Q. The same manner as the others?

1 A. Yes.

2 Q. Are you acquainted with the mark "La
3 Habanera"?

4 A. I've not seen it in the market.

5 Q. Okay.

6 Do you know of the existence of a company
7 by the name of La Tabacalera.

8 A. Yes, I do.

9 Q. How do you know they exist?

10 A. I have been to the Dominican Republic and
11 I know they have a factory there. I've seen
12 advertising with that, but I've never seen it in the
13 stores.

14 Q. You have seen advertising for La Habanera?

15 A. Yes. Over the years, I have.

16 Q. But you haven't actually seen the product
17 in the store?

18 A. No, sir.

19 (Thereupon, Bock Exhibit No. 37 is marked
20 for identification.)

21 BY MR. SANCHELIMA:

22 Q. (Handing.) Bock No. 37, for the mark
23 "Hoja de Habano", the same question as before, as far
24 as the printing and downloading; you did this?

25 A. Yes, I did.

1 Q. All right.

2 And have you seen this brand in the market
3 in the United States?

4 A. No, I haven't. It's made, again, by
5 Thompson who is a mail order company.

6 Q. Well, it shows -- Exhibit 37 shows
7 Thompson as the owner of this registration; is that
8 correct?

9 A. Yes. They're a mail order company.

10 Q. Your testimony is, while you have not seen
11 it in a store, that you cannot say that it's not being
12 commercialized?

13 MR. GOLDSTEIN: Objection, leading.

14 THE WITNESS: Right. I don't know,
15 because I don't go to their Web -- I didn't go
16 to their Web site to check it out, their
17 marketing.

18 (Thereupon, Bock Exhibit No. 38 is marked
19 for identification.)

20 BY MR. SANCHELIMA:

21 Q. (Handing.) Now, with respect to Bock No.
22 38 for the mark "H Havana," is it your testimony that
23 you did the same thing with this printout as the other
24 ones?

25 A. That is correct.

1 Q. Have you seen this brand for cigars --

2 A. No.

3 Q. -- or actually this one is for cigarettes
4 in the United States?

5 A. No.

6 (Thereupon, Bock Exhibit No. 39 is marked
7 for identification.)

8 BY MR. SANCHELIMA:

9 Q. (Hanging.) With respect to Bock No. 39,
10 again, "La Habanera," with the large lettering, I ask
11 you if obtained this the same way?

12 A. I printed it.

13 Q. And have you seen this mark in the U.S.
14 market?

15 A. Not that I recall.

16 (Thereupon, Bock Exhibit No. 40 is marked
17 for identification.)

18 BY MR. SANCHELIMA:

19 Q. (Hanging.) With respect to Bock No. 40,
20 for the mark "Havana," for cigarettes made from
21 Cuban-seed tobacco, did you print and download this in
22 the same manner?

23 A. Yes, I did.

24 Q. Have you seen this brand for cigarettes in
25 the market?

1 A. No.

2 (Thereupon, Bock Exhibit No. 41 is marked
3 for identification.)

4 BY MR. SANCHELIMA:

5 Q. (Handing.) With respect to Bock 41, for
6 the mark "Havana Blossom," is your testimony the same?

7 A. Yes.

8 Q. And do you know if this mark is being
9 marketed in the United States, is being sold in the
10 United States for chewing tobacco?

11 A. I know there is a chewing tobacco called
12 that, but I have never seen a cigar called that.

13 Q. But you have seen chewing tobacco that
14 uses Havana Blossom?

15 A. That's correct.

16 (Thereupon, Bock Exhibit No. 42 is marked
17 for identification.)

18 BY MR. SANCHELIMA:

19 Q. (Handing.) Now, for Bock No. 42, for the
20 mark "Havana Joe's," for cigars from Cuban seed, is
21 your testimony the same as far as downloading and
22 printing this particular document?

23 A. Yes.

24 MR. GOLDSTEIN: That's 42?

25 MR. SANCHELIMA: 42; right.

1 MR. GOLDSTEIN: Thank you.

2 BY MR. SANCHELIMA:

3 Q. Do you know if this brand, "Havana Joe's,"
4 is being commercialized in the United States?

5 A. I do not know.

6 (Thereupon, Bock Exhibit No. 43 is marked
7 for identification.)

8 BY MR. SANCHELIMA:

9 Q. (Handing.) With respect to Bock No. 43,
10 with the mark "Havana Jewels," is your testimony the
11 same for printing and downloading?

12 A. Yes.

13 Q. And with respect to the commercialization
14 of this brand in the U.S. market, do you know if this
15 brand, Havana Jewels, is being sold in the United
16 States?

17 A. Yes, it has for many years.

18 Q. Do you know of the existence of the owner
19 of this application, Havana Jewel Cigars, Inc.?

20 A. No, I don't. I don't.

21 Q. So all you know is that the Havana Jewels
22 mark for cigars has been sold for many years?

23 A. Yes.

24 (Thereupon, Bock Exhibit No. 44 is marked
25 for identification.)

1 BY MR. SANCHELIMA:

2 Q. (Hanging.) 44; Bock No. 44, for the mark
3 "Havana Collection," is your testimony the same as far
4 as downloading and printing?

5 A. Yes.

6 Q. Are you aware of the commercialization of
7 this brand, Havana Collection --

8 A. No.

9 Q. -- in the United States market?

10 A. No.

11 (Thereupon, Bock Exhibit No. 45 is marked
12 for identification.)

13 BY MR. SANCHELIMA:

14 Q. (Hanging.) With respect to Bock No. 45, I
15 ask you the same question: Did you download and print
16 this document?

17 A. Yes.

18 Q. And this is for the mark "Havana Dreams."
19 Do you know if the mark "Havana Dreams" is
20 sold in the United States market?

21 A. Yes.

22 Q. How do you know that?

23 A. I've seen it either at a trade show or in
24 a store that I called on.

25 Q. Havana Dreams is for cigars and little

1 cigars made from Cuban-seed tobacco according to this
2 application; is that correct?

3 A. That's correct.

4 Q. That's 45.

5 (Thereupon, Bock Exhibit No. 46 is marked
6 for identification.)

7 BY MR. SANCHELIMA:

8 Q. (Handing.) Bock 46.

9 The previous one, 45, was Havana Dreams
10 and design.

11 This one is 46, and that's just Havana
12 Dreams, Word Mark.

13 I ask you the same question: Is your
14 testimony the same as to printing and downloading?

15 A. Yes.

16 Q. I will ask you the same as far as marking
17 of the mark?

18 A. Yes.

19 (Thereupon, Bock Exhibit No. 47 is marked
20 for identification.)

21 BY MR. SANCHELIMA:

22 Q. (Handing.) There is another Havana
23 Dreams. It is Bock No. 47, Havana Dreams and design.

24 Is your testimony the same as the previous
25 one?

1 A. Yes.

2 (Thereupon, Bock Exhibit No. 48 is marked
3 for identification.)

4 BY MR. SANCHELIMA:

5 Q. (Handing.) Now, for Bock No. 48, for the
6 mark "La Habanera," my question to you is the same:
7 This particular document, did you download it and print
8 it the same way as the other ones?

9 A. Yes.

10 Q. And you have already testified that you
11 have seen this La Habanera in advertisements?

12 A. Right. I have seen it.

13 (Thereupon, Bock Exhibit No. 49 is marked
14 for identification.)

15 BY MR. SANCHELIMA:

16 Q. (Handing.) Bock No. 49, for the mark of
17 "Havana Classic Long Filler Hand Made" and design,
18 cigars made with Cuban-seed tobacco.

19 Is your testimony the same with respect to
20 downloading and printing?

21 A. Yes.

22 Q. Have you seen this mark in the U.S.
23 market?

24 A. Yes.

25 Q. Havana Cigar Manufacturing Company appears

1 to be the registrant in this particular registration;
2 do you know them?

3 A. No, I do not.

4 Q. How do you know that this Havana Classic
5 mark as depicted in Bock No. 49 is on sale?

6 A. Pardon me?

7 Q. Is on sale in the United States?

8 A. I've seen it someplace, in a store or a
9 shop, someplace.

10 Q. Is it part of your activities at Annas to
11 visit shops and visit different retail stores?

12 A. Yes, it is.

13 Q. Why do you do that?

14 A. Just to keep abreast of what is going on
15 in the market, and it's always good to meet your
16 customers and things like that. And also I try to
17 solicit new business.

18 (Thereupon, Bock Exhibit No. 50 is marked
19 for identification.)

20 BY MR. SANCHELIMA:

21 Q. (Handing.) Exhibit Bock No. 50, for the
22 mark "La Gianna Havana;" is your testimony the same
23 with respect to this particular document?

24 A. Yes.

25 Q. Do you know of the existence of a mark,

1 "La Gianna Havana"?

2 A. No.

3 (Thereupon, Bock Exhibit No. 51 is marked
4 for identification.)

5 BY MR. SANCHELIMA:

6 Q. (Hanging.) Bock No. 51, Exhibit Bock 51:
7 Same question as before with respect to downloading and
8 printing for the mark, "H Joya de Havanna Hand Made";
9 did you print this document?

10 A. Yes, I did.

11 Q. Do you know if this mark is being sold in
12 the United States?

13 A. I do not.

14 MR. GOLDSTEIN: That is 51?

15 MR. SANCHELIMA: 51.

16 (Thereupon, Bock Exhibit No. 52 is marked
17 for identification.)

18 BY MR. SANCHELIMA:

19 Q. (Hanging.) Exhibit Bock No. 52, I ask you
20 the same question: Did you print this, "Havana Honeys"
21 and design?

22 A. Yes. It's being used in that form.

23 Q. Is it being sold in the United States in
24 that form for cigars?

25 A. Yes.

1 (Thereupon, Bock Exhibit No. 53 is marked
2 for identification.)

3 BY MR. SANCHELIMA:

4 Q. (Handing.) Exhibit Bock No. 53, I ask you
5 the same question as before for the mark, "Havana
6 Gold" --

7 A. Yes.

8 Q. -- and design?

9 A. Yes.

10 Q. Did you print this? (Indicating.)

11 A. Yes.

12 Q. And have you seen this mark in the U.S.
13 market?

14 A. Yes.

15 Q. Where have you seen that?

16 A. It's quite widely distributed in smoke
17 shops. I have also seen it shown at trade shows.

18 (Thereupon, Bock Exhibit No. 54 is marked
19 for identification.)

20 BY MR. SANCHELIMA:

21 Q. I hand you what has been identified as
22 Bock No. 54.

23 MR. GOLDSTEIN: I have an additional
24 objection. This is exactly the same as --

25 THE WITNESS: It's not --

1 MR. GOLDSTEIN: It's the same --

2 MR. SANCHELIMA: Excuse me. Let him voice
3 his objection.

4 MR. GOLDSTEIN: It's the same Serial
5 Number 76609734 as Exhibit 16, 76609734; that's
6 my additional objection.

7 MR. SANCHELIMA: All right.

8 So that we don't disrupt the continuity of
9 what we're doing, if it's a duplicate, of
10 course, we will accept his objection.

11 BY MR. SANCHELIMA:

12 Q. No. 54 is Hoja De Habana; is your
13 testimony the same?

14 A. Yes.

15 Q. Now, have you seen this mark for cigars in
16 the U.S. market?

17 A. No; that belongs to Thompson, the mail
18 order company. I have not seen it.

19 (Thereupon, Bock Exhibit No. 55 is marked
20 for identification.)

21 BY MR. SANCHELIMA:

22 Q. I hand you what has been identified as
23 Bock 55, and I ask you --

24 MR. GOLDSTEIN: This was 55; is that
25 right? (Indicating.)

1 (Discussion off the record.)

2 MR. SANCHELIMA: Okay.

3 So, 55 will be "K. Hansotia & Co. Tobacco
4 Merchants Havana Legend 4421 Select Premium
5 Tobacco." Exhibit Bock No. 55 will be that one.

6 BY MR. SANCHELIMA:

7 Q. The question, Mr. Bock, is the same: Did
8 you download and print this?

9 A. Yes, I did.

10 Q. Have you seen this mark in the U.S.
11 market?

12 A. No.

13 (Thereupon, Bock Exhibit No. 56 is marked
14 for identification.)

15 BY MR. SANCHELIMA:

16 Q. (Hanging.) With respect to Bock No. 56, I
17 ask you the same question, as far as printing and
18 downloading --

19 A. Yes.

20 Q. -- and have you seen this mark in the U.S.
21 market?

22 A. Yes.

23 Q. Havana Blend?

24 A. Yes.

25 Q. Where have you seen this mark?

1 A. Someplace in a smoke shop or some place
2 that I've called on.

3 Q. Do you know a company by the name of Finck
4 Cigar Company?

5 A. Yes, I do. I sell them product
6 occasionally, and some of my cigars.

7 Q. So Finck Cigar Company -- Finck is a
8 customer of Annacas; is that correct?

9 A. They are, but they also manufacture cigars
10 as their own. And they have retail stores, and
11 sometimes we get calls for our cigars and we ship it to
12 them.

13 (Thereupon, Bock Exhibit No. 57 is marked
14 for identification.)

15 BY MR. SANCHELIMA:

16 Q. (Handing.) Exhibit Bock No. 57 for the
17 brand "Simply the Sweetest Smoke This Side of Havana,"
18 is your testimony the same as far as printing and
19 downloading?

20 A. Yes.

21 Q. Have you seen this brand, "Simply the
22 Sweetest Smoke This Side of Havana" in the U.S. market?

23 A. No.

24 (Thereupon, Bock Exhibit No. 58 is marked
25 for identification.)

1 BY MR. SANCHELIMA:

2 Q. (Handing.) Bock No. 58, with the mark
3 "Schimmelpenninck Cigar Havana."

4 I ask you the same question: Did you
5 download and print this same document?

6 A. Yes.

7 Q. Do you know of a mark by the name of
8 Schimmelpenninck Cigar Havana?

9 A. I know Schimmelpenninck. I've seen them a
10 lot of times. I don't recall if it had the word
11 "Havana" in it.

12 MR. GOLDSTEIN: That's 58?

13 MR. SANCHELIMA: That's 58.

14 (Thereupon, Bock Exhibit No. 59 is marked
15 for identification.)

16 BY MR. SANCHELIMA:

17 Q. (Handing.) This here is Bock 59, for the
18 mark "Havana Honeys." And the Serial No. is 75779705,
19 which I don't think -- I just checked -- I don't think
20 that we have discussed it before. And this mark,
21 "Havana Honeys" for cigars and little cigars made from
22 Cuban-seed tobacco, did you print and download this
23 one?

24 A. Yes.

25 MR. GOLDSTEIN: Give me a copy.

1 MR. SANCHELIMA: 705 is the serial number.

2 BY MR. SANCHELIMA:

3 Q. Do you know if this mark is being sold in
4 the United States?

5 A. Yes, it is.

6 (Thereupon, Bock Exhibit No. 60 is marked
7 for identification.)

8 BY MR. SANCHELIMA:

9 Q. (Hanging.) Exhibit Bock 60 with the mark,
10 "Havana Sunrise," did you download and print this
11 document in the same manner as the other documents?

12 A. Yes, I have.

13 Q. From the U.S. Patent and Trademark office;
14 is that correct?

15 A. Yes.

16 Q. Do you know if this mark, "Havana Sunrise"
17 is being sold in the United States?

18 A. Yes, it is.

19 Q. Have you seen it in stores?

20 A. Yes, I have.

21 (Thereupon, Bock Exhibit No. 61 is marked
22 for identification.)

23 BY MR. SANCHELIMA:

24 Q. (Hanging.) Bock No. 61, with the mark
25 "Habanos Unicos Desde 1492," did you download this mark

1 the same way?

2 A. Yes, I have.

3 Q. Did you, or have you seen this brand being
4 sold in the United States?

5 A. No.

6 Q. And this mark, of course, belongs to
7 Opposer; is that correct?

8 MR. GOLDSTEIN: Objection.

9 THE WITNESS: Yes.

10 (Thereupon, Bock Exhibit No. 62 is marked
11 for identification.)

12 BY MR. SANCHELIMA:

13 Q. (Hanging.) Exhibit Bock No. 62, with the
14 mark "Experience The Night Havana Nights" and design.

15 Is your testimony the same?

16 A. Yes.

17 Q. And have you seen this mark in the U.S.
18 market?

19 A. No.

20 (Thereupon, Bock Exhibit No. 63 is marked
21 for identification.)

22 BY MR. SANCHELIMA:

23 Q. (Hanging.) Exhibit Bock No. 63; is your
24 testimony the same for the mark "Havana Nights Cigar
25 Co. J.A."?

1 A. Yes.

2 Q. Have you seen this mark in the United
3 States' market?

4 A. I do not recall seeing it.

5 (Thereupon, Bock Exhibit No. 64 is marked
6 for identification.)

7 BY MR. SANCHELIMA:

8 Q. (Handing.) Exhibit Bock No. 64, with the
9 mark "Havana Sweets," is your testimony the same as far
10 as downloading and printing?

11 A. Yes.

12 Q. Do you know if this mark is being sold in
13 the United States?

14 A. Yes.

15 Q. How do you know that?

16 A. I've seen it.

17 Q. Where?

18 A. Probably trade shows.

19 Q. Do you know a company by the name of Max
20 Rohr, Inc.?

21 A. Yes, I do.

22 Q. What do they do?

23 A. They manufacture cigars and other
24 smoking-related products.

25 Q. Do you have any relationship with them?

1 A. No.

2 (Thereupon, Bock Exhibit No. 65 is marked
3 for identification.)

4 BY MR. SANCHELIMA:

5 Q. (Handing.) Exhibit Bock No. 65; is your
6 testimony the same with respect to this document --

7 A. Yes.

8 Q. -- with the mark "Havana Reserve Don
9 Lino"?

10 A. Yes.

11 Q. Do you know if this brand, "Havana Reserve
12 Don Lino," is in the market?

13 A. Yes, it is.

14 Q. How do you know that?

15 A. I've seen it a lot of places.

16 Q. Like stores?

17 A. Yes.

18 (Thereupon, Bock Exhibit No. 66 is marked
19 for identification.)

20 BY MR. SANCHELIMA:

21 Q. (Handing.) Exhibit Bock No. 66 with the
22 mark "Royal Havana," for cigars grown from Cuban
23 Tobacco seed from the Havana region; is your testimony
24 the same as before?

25 A. Yes.

1 Q. Have you seen this brand, "Royal Havana,"
2 in the U.S. market?

3 A. Not that I recall.

4 (Thereupon, Bock Exhibit No. 67 is marked
5 for identification.)

6 BY MR. SANCHELIMA:

7 Q. (Handing.) Bock No. 67 with the mark, "El
8 Rico Habano." I ask you the question the same as
9 before as to printing and downloading?

10 A. Yes.

11 Q. You have printed and downloaded this?

12 A. Yes.

13 Q. Have you seen the mark "El Rico Habano" in
14 the U.S. market?

15 A. I do not recall. It sounds familiar,
16 but...

17 Q. Do you know a company by the name of El
18 Credito Cigars Corporation?

19 A. Yes.

20 Q. What kind of business are they in?

21 A. They're in the cigar business. They have
22 a factory right down here on Flagler Avenue.

23 Q. But you don't recall seeing this product
24 in the market?

25 A. I don't recall seeing it in a store.

1 MR. GOLDSTEIN: Objection. Asked and
2 answered. Leading.

3 THE WITNESS: I think it was advertising,
4 and things like this I've seen.

5 MR. GOLDSTEIN: Objection to the question.

6 (Thereupon, Bock Exhibit No. 68 is marked
7 for identification.)

8 BY MR. SANCHELIMA:

9 Q. (Handing.) Exhibit Bock No. 68.

10 I ask you the same question with respect
11 to the printing and out-puting or downloading?

12 A. Yes.

13 Q. Have you seen the mark, (As read in
14 Spanish), "Republica De Cuba Cuban Government's
15 warranty for cigars exported from Havana Sello De
16 Garantia Nacional De Procedencia Para Tabacos" in the
17 market, in the U.S. market?

18 A. Not for sale. I've seen the mark for it,
19 but not for sale.

20 Q. Where have you seen the mark?

21 A. Probably in other countries when I've
22 traveled abroad.

23 And, actually, there was a fellow in
24 Chicago that was counterfeiting that, and I saw the...

25 (Thereupon, Bock Exhibit No. 69 is marked

1 for identification.)

2 BY MR. SANCHELIMA:

3 Q. I hand you what has been identified as
4 Bock Exhibit 69, and I ask you if you have seen this
5 document before?

6 A. Yes, I have.

7 Q. Who printed that document?

8 A. I did.

9 Q. Why did you print that document?

10 A. I was interested in trying to find out
11 more about Havana.

12 Q. And what did you do?

13 A. I searched the Internet and found the
14 international registration and printed this, and sent
15 it to you, or brought it to you.

16 Q. It says here, "Empresa Cubana del Tabaco."
17 Do you know who they are?

18 A. I only know that they make cigars in Cuba.

19 Q. Now, Mr. Bock, do you know where the seeds
20 for the tobacco that you're ordering from Central
21 America comes from?

22 A. I know where some of them come from. I
23 don't know where every single seed comes from.

24 When I want a certain taste, I ask them to
25 blend me samples from a Cuban seed maybe grown in Costa

1 Rica or a Mexican seed grown in Mexico, this type of
2 thing; then I smoke and keep playing with the blends.

3 Q. Do you know a person by the name of
4 Plasencia?

5 A. Yes, I do.

6 Q. What is your relationship with Mr.
7 Plasencia?

8 A. I was Mr. Plasencia's first customer when
9 he started actually manufacturing cigars. He had been
10 a tobacco grower for three or four generations, but in
11 1986 he started manufacturing cigars.

12 Q. And you buy cigars from him?

13 A. Yes, I do.

14 Q. Do you know where Mr. Plasencia has
15 obtained his seeds?

16 A. I know that he had brought some with him.
17 They're -- maybe he -- I don't know for sure, but he
18 probably buys stuff from Cuba or exports them. I don't
19 know. They all have their own little...

20 MR. GOLDSTEIN: I'm going to object to the
21 answer to these. It's apparently based on
22 hearsay and speculation.

23 BY MR. SANCHELIMA:

24 Q. Do you know, where does Mr. Plasencia
25 reside?

1 A. Where he what?

2 Q. Where does he reside?

3 A. He resides in Honduras and Nicaragua.

4 Q. So you had a relationship with Mr.

5 Plasencia over the years; right?

6 A. Over 20 years.

7 Q. Do you know where his family came from?

8 A. They came from Cuba.

9 Q. In your conversations with him, do you
10 know what kind of business his family had in Cuba?

11 A. They were plantation tobacco growers.

12 MR. GOLDSTEIN: Objection. Hearsay.

13 BY MR. SANCHELIMA:

14 Q. So your understanding is that Mr.
15 Plasencia comes from several generations of Cuban
16 growers?

17 A. That is correct.

18 Q. Is Mr. Plasencia well known in the
19 industry?

20 A. Very well known.

21 Q. And does he sell cigars to you exclusively
22 or does he sell cigars --

23 A. No, he manufactures for other people,
24 also.

25 Q. And did you ever discuss with Mr.

1 Plasencia any matters pertaining as to where and when
2 these Cuban seeds that are used in his plantations come
3 from?

4 MR. GOLDSTEIN: Objection. Hearsay.

5 MR. SANCHELIMA: Let him finish.

6 BY MR. SANCHELIMA:

7 Q. Mr. Bock, I think I want to just instruct
8 you how these proceedings work, and Counsel has to have
9 an opportunity to listen to the way that I formulate
10 the question to you and if he has an objection, he has
11 to have an opportunity to voice it.

12 A. Before I say anything?

13 Q. Right.

14 I know it's getting close to the
15 lunchtime, and maybe we have been here for very long,
16 but -- I'm sorry, Counsel.

17 MR. GOLDSTEIN: The objection is hearsay
18 to anything other than "Yes" or "No" to that
19 question.

20 (Thereupon, the previous question is read
21 back.)

22 BY MR. SANCHELIMA:

23 Q. I'm going to withdraw the question, and
24 I'm going to ask it a different way.

25 Have you ever discussed the topic of Cuban

1 seeds that are used in the tobacco, that you purchased
2 from Mr. Plasencia, with Mr. Plasencia?

3 A. Yes.

4 Q. Now, what did you understand to be the
5 origin of these seeds that Mr. Plasencia uses for his
6 tobacco that he grows in Central America?

7 MR. GOLDSTEIN: Objection. Hearsay to the
8 extent it's based on anything he was told by Mr.
9 Plasencia or anybody else.

10 MR. SANCHELIMA: Okay.

11 BY MR. SANCHELIMA:

12 Q. What is your understanding from the
13 conversations that you had with Mr. Plasencia --

14 A. The seeds came from Cuba.

15 Q. Do you know when these seeds were first
16 brought from Cuba?

17 MR. GOLDSTEIN: Objection. Hearsay.

18 BY MR. SANCHELIMA:

19 Q. Do you know? Does he explain to you?

20 A. Yes, it was in the early '60's or...

21 Q. And that's what you were told?

22 A. Or late '50's.

23 Q. That's what you were told; is that
24 correct?

25 A. That is correct.

1 Q. But you don't know whether that is true or
2 not?

3 A. No.

4 Q. Do you know if there have been subsequent
5 shipments of Cuban seeds from Cuba to other countries
6 including the ones where you buy these tobacco
7 products?

8 MR. GOLDSTEIN: Objection. Hearsay to the
9 extent it's based on what someone told you.

10 THE WITNESS: It's my understanding that
11 there has been seed purchased.

12 BY MR. SANCHELIMA:

13 Q. Fine.

14 Subsequent to the first seeds that Mr.
15 Plasencia brought; is that correct?

16 A. Yes.

17 (Thereupon, Bock Exhibit No. 70 is marked
18 for identification.)

19 BY MR. SANCHELIMA:

20 Q. Now, I hand you what we're identifying as
21 Bock Exhibit 70. And I ask you if you have seen this
22 document before?

23 A. Yes, I have.

24 Q. Okay.

25 Where did you see that document?

1 A. This was from Smoke Magazine.

2 Q. Why did you make a copy of this document?

3 A. I made a copy of this document, because it
4 pertains to what we're discussing here today, the
5 Cuban-seed tobacco and the Plasencias.

6 Q. Now, I call your attention to the last
7 page of this document. And here in the last part it
8 says, "Nunez has worked with many different types of
9 tobacco in his long career, and recalls seeing an
10 assortment of first-generation Cuban seeds back around
11 1972..."

12 My question to you is --

13 MR. GOLDSTEIN: No. Let's continue.

14 "...though he believes that these are
15 quite rare."

16 MR. SANCHELIMA: Well, you'll have your
17 chance to cross-examine.

18 MR. GOLDSTEIN: You stopped in the middle
19 of the sentence. That's all.

20 MR. SANCHELIMA: Why do you want to ask my
21 question?

22 MR. GOLDSTEIN: I don't. I just think
23 you're not supposed to stop a question in the
24 middle of a sentence.

25 MR. SANCHELIMA: Well, this is the way

1 that I want to ask the question.

2 MR. GOLDSTEIN: Fine.

3 MR. SANCHELIMA: Okay?

4 You will have your opportunity, I'm sure.

5 BY MR. SANCHELIMA:

6 Q. Okay.

7 Let's go back to this document of Mr.
8 Bock, and I'm going to withdraw whatever it is that I
9 said before.

10 I'm going to just direct your attention to
11 this portion here.

12 It says, "Nunez has worked with many
13 different types of tobacco in his long career, and
14 recalls seeing an assortment of first-generation Cuban
15 seeds back around 1972..."

16 Do you have any reason to disagree with
17 that statement?

18 A. No.

19 Q. Now, Mr. Nunez continues in his reported
20 statement here, or the author of this articles says,
21 "...though he believes that these are quite rare."

22 Now, do you know of any obstacles that
23 growers in the countries where you're purchasing your
24 tobacco have from importing seeds from Cuba today?

25 A. Do I what?

1 Q. Do you know of any obstacles that the
2 growers that you buy the tobacco from and the cigars
3 from in those countries in Central America have any
4 obstacles that would prevent them from importing today
5 Cuban seeds?

6 A. Not that I'm aware of.

7 MR. GOLDSTEIN: Objection. Calls for
8 a legal conclusion about foreign law.

9 BY MR. SANCHELIMA:

10 Q. I'm not asking about anything relating to
11 law in any other countries. I'm just asking you if you
12 have any knowledge in the years that you have been
13 purchasing tobacco products including cigars, has
14 anyone voiced any concerns that they would have about
15 importing Cuban seeds from Cuba?

16 A. No, they have not.

17 MR. GOLDSTEIN: Objection to the extent it
18 calls for hearsay.

19 BY MR. SANCHELIMA:

20 Q. Has anybody told you anything?

21 A. No.

22 MR. GOLDSTEIN: I object to Exhibit 70 to
23 the extent it's -- anything in it is offered for
24 the truth of the matter asserted on grounds of
25 hearsay.

1 BY MR. SANCHELIMA:

2 Q. All right.

3 I believe you testified, did you not, that
4 this was a publication --

5 A. No, I believe it was the Internet.

6 Q. -- Smoke Magazine, online?

7 A. Yes.

8 Q. An Internet publication; is that correct?

9 A. No, Smoke Magazine prints a magazine, too,
10 but they have an online -- online, you can go and...

11 MR. GOLDSTEIN: Just to clarify, I don't
12 have an authentication objection.

13 Just if you're offering it for anything,
14 then, for anything for the truth, then I'm
15 objecting on grounds of hearsay.

16 MR. SANCHELIMA: There are exceptions to
17 hearsay.

18 MR. GOLDSTEIN: Hearsay within hearsay
19 within hearsay. The reporter says Nunez says
20 In the publication.

21 BY MR. SANCHELIMA:

22 Q. Now, on the third page of this article,
23 Bock Exhibit No. 70, there is a quote, or -- I'm sorry.

24 The first full paragraph starts, "The
25 Plasencias are another multi-generational cigar family

1 involved in Corajo in Honduras, and in Nicaragua as
2 well. Nestor Plasencia, Jr., represents the fifth
3 generation of his family in the business."

4 My question to you: The Nestor Plasencia
5 that we were discussing before, is he the same one that
6 they're referring to here as Nestor Plasencia, Jr.?

7 A. No. He is the father of Nestor Plasencia,
8 Jr..

9 Q. The one that you have been referring to is
10 the father of Nestor Plasencia, Jr.?

11 A. Correct.

12 Q. Do you know how many factories they have
13 in Central America?

14 A. They have at least five.

15 Q. All right.

16 A. Can I ask you something off the record?

17 MR. SANCHELIMA: Not right now. You want
18 a break?

19 THE WITNESS: No. I just want to mention
20 something to you.

21 MR. GOLDSTEIN: Do you want me to step
22 out?

23 MR. SANCHELIMA: No, I don't think it is
24 necessary. You don't have to interrupt the
25 continuity of this proceeding.

1 BY MR. SANCHELIMA:

2 Q. Mr. Bock, have you applied for the
3 registration of the mark "Havana Club"?

4 A. Yes.

5 Q. Do you know if your application was
6 initially rejected by the examiner?

7 A. I understand it was.

8 Q. I represent to you that it was rejected
9 because the goods that were referred to in the
10 application referred as cigars in general, and that the
11 examiner requested or suggested to verify whether or
12 not the goods came from Cuban seeds, Cuban-seed
13 tobacco; is that correct?

14 A. Yes.

15 Q. I want to read you Paragraph 58 of the
16 Notice of Authorization.

17 It says, (As read), "Applicant knew that
18 it made a false material misrepresentation to the
19 United States Patent and Trademark Office when it
20 authorized amendment of its identification of goods
21 from cigars to cigars made from Cuban-seed tobacco in
22 response to the United States Patent and Trademark
23 Office, September 1, 2004, office action, refusing
24 registration of the mark as primarily a geographically
25 deceptively descriptive."

1 Now, my question to you is: Do you know
2 of any misrepresentation that you made to your
3 attorneys or to anybody in connection with the tobacco
4 that you intend to use for the mark, "Havana Club"?

5 A. No.

6 Q. And is it your testimony today, under
7 oath, that the tobacco that you intend to use with your
8 mark "Havana Club," will be from Cuban-seed tobacco?

9 A. Yes.

10 Q. In the selection of the mark "Havana
11 Club," or cigars, has it been your intention to deceive
12 the consumer into thinking that the cigars come from
13 tobacco grown in Cuba?

14 A. Absolutely not, anymore than the American
15 Stogie cigar comes from America.

16 Q. All right.

17 (Thereupon, a short recess.)

18 BY MR. SANCHELIMA:

19 Q. Mr. Bock, you are a smoker; right?

20 A. Yes, I am.

21 Q. And when you smoke a Cuban-seed tobacco
22 cigar, what kind of taste do you expect from that cigar
23 if you can describe it to us?

24 A. Normally, it is a heavier flavor. It's a
25 stronger -- people would classify it as stronger.

1 Q. What would be an example of a different
2 type of flavor?

3 A. Well, a mild cigar -- more the tendency --
4 when people think of the Dominican Republic, normally
5 they have the reputation of a milder cigar. Usually,
6 they use Connecticut seed and it's grown in the
7 Dominican Republic.

8 Q. The Connecticut seed then means that this
9 is grown in the Dominican Republic from seeds that came
10 from Connecticut plants?

11 A. It could be, yes.

12 Q. And how about Cameron (ph) wrappers; is
13 that another mild tobacco?

14 A. Cameron is a very full-flavored mild
15 wrapper, yes.

16 Q. And are all Cameron wrappers grown in
17 Cameron?

18 A. At the present time, but people are trying
19 to grow it in other places now.

20 Q. Like what other countries?

21 A. Ecuador, Central America.

22 Q. Is the Connecticut wrapper only grown in
23 Connecticut and Dominican Republic?

24 A. No. Also a tremendous amount of it is
25 grown in Ecuador. We grow it in Honduras. This cigar

1 has that wrapper. And Nicaragua, but with Connecticut
2 seed.

3 Q. If you were sold a Connecticut wrapper
4 cigar, do you expect that particular Connecticut
5 wrapper to have been grown in the State of Connecticut?

6 A. No.

7 MR. SANCHELIMA: I have no further
8 questions.

9 (Thereupon, at 12:05 p.m. a lunch recess
10 was taken.)

11 CROSS-EXAMINATION

12 BY MR. GOLDSTEIN:

13 Q. Mr. Bock, if you would take a look at what
14 was originally marked as Bock Exhibit 1 this morning,
15 which is the label for Havana Club Long Filler Hand
16 Made, and it has your Bates No. 000001; do you see
17 that?

18 A. Yes.

19 Q. And you created that before you filed your
20 application to register the mark, "Havana Club"; is
21 that correct?

22 A. Yes.

23 Q. And, then, you recall that I took your
24 deposition in this office in March of 2006?

25 A. I don't recall the exact date, but I

1 remember we had a deposition with you, yes.

2 Q. And the record will show the exact date
3 was March 24, 2006, about a year and a half ago, your
4 deposition here?

5 A. Yes.

6 Q. And after your deposition, you created
7 another iteration of the design?

8 A. Yes.

9 Q. And you provided that to your Counsel?

10 A. Yes.

11 Q. And your Counsel -- your understanding is,
12 they gave it to me?

13 A. Right.

14 Q. Why don't we mark this as Bock --

15 A. There were several ramifications. I hired
16 a local --

17 MR. SANCHELIMA: There is no question now.
18 Let him ask the question.

19 MR. GOLDSTEIN: Identify this as Bock
20 Cross 1.

21 (Thereupon, the document was marked Bock
22 Exhibit Cross 1.)

23 BY MR. GOLDSTEIN:

24 Q. Let me show you what we have now marked.

25 Is that another, a later iteration of your

1 box that you provided to Counsel?

2 A. That is correct.

3 Q. And if you look at the two -- the prior to
4 your application in the -- and then after your
5 application, you see that it no longer says "long
6 filler." It now says, "Cuban-seed tobacco". You see
7 that?

8 A. It no longer says it?

9 Q. It used to say, "long filler."

10 A. Right.

11 Q. And now it says, "Cuban-seed tobacco."

12 A. Right.

13 Q. The new label.

14 And also you've added the Morro Castle
15 from Havana Cuba?

16 A. Yes.

17 Q. Who created this document?

18 A. It was a designer here in Miami. His name
19 was -- I have his card in my office. It's Silvesto
20 something. He's a Cuban.

21 Q. And this is the only -- these are the only
22 two versions of the Havana Club mark label that you
23 have provided to your Counsel?

24 A. Correct.

25 Q. You are aware that Morro Castle is a

1 symbol of the City of Havana?

2 A. I am aware that it was in Havana Harbor.

3 I also --

4 MR. SANCHELIMA: There is no more
5 question, Mr. Bock.

6 BY MR. GOLDSTEIN:

7 Q. When did you first meet Benjamin Gomez?

8 A. Benjamin Gomez?

9 Q. From Inter America Cigar Company?

10 A. Oh, many, many years ago; off and on, down
11 into different factories.

12 Q. You are aware he's going to testify on
13 your behalf?

14 A. I found that out, yes.

15 Q. When did you find that out?

16 A. Well, this afternoon.

17 Q. You didn't know that before today?

18 A. I knew it. I knew it when Benny had
19 called me yesterday, I didn't get ahold of him, but I
20 had talked to him about it.

21 Q. How do you know Mr. Gomez?

22 A. He's a competitor.

23 Q. Where is he located?

24 A. In Miami.

25 Q. And where are you located?

1 A. Miami.

2 Q. You know him from the business; would that
3 be fair?

4 A. Yes.

5 Q. And for many years you have known him in
6 the business?

7 A. Come across him many years.

8 Q. Like at the RTDA?

9 A. RTDA; different factories that we both
10 produce cigars at, things like this.

11 Q. And he has cigars produced in the
12 Caribbean?

13 A. Correct.

14 Q. In the same places you have cigars
15 produced?

16 A. Yes.

17 Q. And RTDA, just for the record, Retail
18 Tobacco Dealers Association?

19 A. Yes.

20 Q. How long have you been aware of his mark,
21 "Havana Sunrise," for cigars?

22 A. Oh, many years.

23 Q. When did you first attempt to contact him
24 to testify on your behalf?

25 A. Approximately a week ago, maybe two.

1 Q. What led you to contact him a week ago as
2 opposed to some other time?

3 A. When I started researching more of all
4 this stuff that we were doing, that I was doing on the
5 computer.

6 Q. Are you aware that he owns a registration
7 for a mark, "Havana Sunrise"?

8 A. Yes.

9 Q. Are you aware that he got that on an
10 assignment from another person named Pedro Bello?

11 A. I know that he got that some place. I
12 don't know how or where. I know that the mark is
13 registered to him. I found that out when I searched
14 it.

15 Q. Did you know that your lawyer, Jay
16 Sanchelima, was also the lawyer for Pedro Bello when
17 the application was made to register that mark?

18 A. I do now from looking at the papers.

19 Q. Did you meet with Mr. Gomez on your behalf
20 in terms of testifying for you?

21 A. No.

22 Q. You just asked him to, if he would testify
23 for you?

24 A. We discussed it, the problem that I was
25 having in Havana. And he said, "Anything I can do to

1 help you." That's all we discussed.

2 Q. That's all you discussed?

3 A. Yes.

4 Q. You didn't talk particularly what you
5 wanted to talk about?

6 A. No, other than we were having problems
7 with the name, "Havana Club."

8 Q. Is he being paid for his testimony; do you
9 know?

10 A. I'm not paying him.

11 Q. Is Mr. Sanchelima his attorney now, to
12 your knowledge?

13 A. I'd have to ask him.

14 Q. You don't know?

15 A. I don't know.

16 Q. Are Mr. Gomez' Havana Sunrise cigars made
17 from tobacco that is called "Cuban-seed tobacco"?

18 A. I don't know.

19 Q. Have you ever seen the labels or the boxes
20 for his cigars?

21 A. I've seen the cigar; yes, I have.

22 Q. Do you know if they say whether they're
23 made from Cuban-seed tobacco?

24 A. It was not of interest to me.

25 Q. What's that?

1 A. It was never of interest to me.

2 Q. Is that a, you don't know.

3 A. I don't know.

4 Q. Have you ever seen any advertising or
5 promotion for Havana Sunrise?

6 A. I have seen magazine advertisings.

7 Q. Do you know if those magazine advertising
8 refer to the cigars being made from Cuban-seed tobacco?

9 A. I do not know.

10 Q. What magazines did you see --

11 A. I don't recall.

12 Q. Do you know when you saw it?

13 A. Over a period of the last ten years.

14 Q. Am I correct that you still do not sell
15 cigars retail?

16 A. No, I do not sell cigars retail.

17 Q. You don't have a retail store?

18 A. No, sir.

19 Q. And you don't deal in terms of the cigar
20 business with individual cigar consumers?

21 A. I do. I do. When I'm out in the trade at
22 the smoke shops. I do smokers and this type of thing
23 where we, you know, have people come into the smoke --
24 the shop, and we give them cigars and we discuss
25 cigars, that type of thing.

1 Q. When you're at somebody's else's shop?

2 A. That's correct.

3 Q. But your business is not selling to --

4 A. No, we do not. No.

5 Q. And approximately how many retailers or
6 distributors do you have?

7 A. Between three and five hundred; probably
8 active, 300.

9 Q. You currently don't sell any cigars that
10 have the word "Havana" in the brand name; is that
11 correct?

12 A. Havana in the brand name? Not that I'm
13 aware of.

14 Q. You do sell a cigar brand called, "Florida
15 Honduras"; is that correct?

16 A. I do not own that trademark. I sell it.

17 Q. And those cigars are made in Honduras?

18 A. That's correct.

19 Q. And you also sell a cigar called "Premium
20 Value Honduras?

21 A. That is correct.

22 Q. And that cigar is also made in Honduras?

23 A. That is correct.

24 Q. You, yourself, have no knowledge of
25 whether any American cigar consumers have seen the

1 Cuban cigar update that was identified as Exhibit 2
2 this morning?

3 A. I don't understand what you mean.

4 Q. You -- you -- your attorney marked as
5 Exhibit 2 something called a Cuban cigar update that
6 you printed off the Web?

7 A. Yes.

8 Q. You, yourself, don't have any knowledge of
9 whether any American cigar consumers have themselves
10 seen --

11 A. I wouldn't know.

12 Q. Now, you've testified twice previously to
13 today as to why you chose the Havana Club name; is that
14 correct?

15 A. I believe. I don't know how many times --

16 Q. You testified once in your deposition, and
17 once in a declaration that you signed; correct?

18 A. I don't know.

19 Q. In your deposition, you testified that you
20 chose the name "Havana Club" because it sounded good,
21 no particular reason; correct?

22 A. I thought I said that I -- but the
23 original thing that I said today, that it sounded good.

24 It reminded me of a club, like I said.

25 I've always thought of Ernest Hemingway when I've used

1 this name. And that's from the very onset, whether I
2 said it or not.

3 Q. I'm going to show you a copy of your
4 deposition taken on March 24, 2006. And as we talked
5 about, you recall being deposed; correct?

6 A. I what?

7 Q. You recall that you were deposed in this
8 case; correct?

9 A. Yes.

10 Q. And if you look on Page 56, which is --
11 let Jay find the deposition, Page 56.

12 And there is a question and an answer, and
13 the first part of the question says, "Talk to your
14 attorney" -- this is on Line 4 -- and then it says,
15 "Who came up with the idea of using Havana Club as a
16 cigar mark?

17 Answer: I did.

18 Question: Do you recall when that was?

19 Answer: Several years ago.

20 Question: How did you come up with that
21 idea? Can you describe the circumstances?

22 Answer: I was looking at another name
23 with club in it, and it didn't sound right. And
24 Havana Club sounded right.

25 Question: You understood that Havana was

1 the capital City of Cuba when you chose the name
2 Havana?

3 Answer: Yes.

4 Question: Why did you choose the Havana
5 part of the Havana Club?

6 Answer: No particular reason. It sounded
7 good.

8 BY MR. GOLDSTEIN:

9 Q. Do you recall those questions and answers?

10 A. Must be right if it's here.

11 Q. There is nothing about Ernest Hemingway;
12 correct?

13 A. Pardon me?

14 Q. There is nothing about Ernest Hemingway in
15 your deposition; correct?

16 A. No.

17 Q. Do you recall signing a declaration for
18 submission to the trademark office in the litigation?

19 A. No.

20 Q. Let me show you this.

21 It says, "Declaration of William Bock."

22 Do you see that at the top?

23 MR. SANCHELIMA: Do you see this, Mr.

24 Bock?

25 THE WITNESS: Yes.

1 BY MR. GOLDSTEIN:

2 Q. And on the bottom it has Page 22, and then
3 if you turn it over, there is another page, it's a FAX,
4 you can see it's like a FAX page, and that has your --
5 there's a signature there. Is that your signature?

6 A. Yes.

7 Q. Do you see the date; August 3rd, 2006?

8 A. Yes.

9 Q. You were the undersigned -- if you look at
10 the first page -- "The undersigned declares under
11 penalty of perjury as follows"; do you see that?

12 A. Yes.

13 MR. SANCHELIMA: What is the question?

14 MR. GOLDSTEIN: What's that?

15 MR. SANCHELIMA: Just, if he sees it?

16 MR. GOLDSTEIN: Yes.

17 MR. SANCHELIMA: All right.

18 BY MR. GOLDSTEIN:

19 Q. I mean, you understood you were sign --
20 when you signed that, you understood you were signing
21 this under the penalties of perjury; correct?

22 A. Yes.

23 Q. Okay.

24 MR. SANCHELIMA: I will just say that the
25 document speaks for itself.

1 BY MR. GOLDSTEIN:

2 Q. And in Paragraph 3 of the document, you
3 testified or he testified to your declaration, (As
4 read), "Late in 2003 as part of my duties as president,
5 I decided to create a new line of cigars that would use
6 Cuban-seed tobacco. In January of 2004, I decided upon
7 the designation 'Havana Club' to capture both the high
8 quality I intended for this line of cigars, and the
9 essence of Cuban entertainment and social life." See
10 Exhibit "F".

11 A. Yes, that's where I think the Hemingway
12 thing comes in.

13 Q. This is your testimony at that time.

14 A. Right, but it refers to the same thing.

15 Q. Now, you testified that you intend to
16 label the country of origin on your boxes?

17 A. I have to. It is part of U.S. Customs.

18 Q. Are you familiar with what that customs
19 rule is?

20 A. Yes.

21 Q. Can you -- I've asked repeatedly in the
22 course of litigation for that authority, and I'm just
23 wondering, did you know particularly what authority
24 that is?

25 A. I explained it earlier, that U.S. Customs

1 on a box of cigars that, has to be sold individually,
2 it has to be marked on the bottom of the box, the top
3 of the box lid, and inside the box, as this box is.
4 (Indicating.)

5 MR. SANCHELIMA: Let the record reflect
6 that the witness has manipulated Exhibit 3.

7 MR. GOLDSTEIN: I want to ask him --

8 BY MR. GOLDSTEIN:

9 Q. Are you aware -- not that there is legal
10 authority, but specifically what that legal authority
11 is? What customs regulation or...

12 A. No, I don't know the exact code. I know
13 that, it was presented to me by the Customs people,
14 telling me I had to do this one time when I wasn't in
15 compliance.

16 Q. When was that?

17 A. Three, four years ago.

18 Q. And you don't have to label the boxes with
19 that use, Cuban-seed tobacco, with Cuban seed. You
20 don't have to say Cuban seed; is that correct?

21 A. No.

22 Q. And, in fact, the American Stogies box,
23 Exhibit 3, the wooden box, that doesn't say anywhere
24 that it uses Cuban-seed tobacco?

25 A. No.

1 Q. But, in fact, you do use --

2 A. There is some Cuban-seed tobacco. Not
3 all, but some.

4 Q. And on the soft package, you do say
5 Cuban-seed tobacco?

6 A. Yes.

7 MR. SANCHELIMA: The soft package you're
8 referring to is --

9 MR. GOLDSTEIN: Exhibit 4.

10 MR. SANCHELIMA: -- Exhibit 4.

11 BY MR. GOLDSTEIN:

12 Q. You don't have any legal obligation to
13 use, to label Cuban-seed cigars with the words, "Cuban
14 seed"?

15 A. Not that I'm aware of.

16 Q. Based on your testimony this morning, it's
17 my understanding that you are relying on Nestor
18 Plasencia, Sr., as to the origins of the tobacco you
19 call Cuban seed?

20 A. I rely on any of my manufacturers to -- I
21 don't know where they get the seed. I have to rely on
22 their word.

23 Q. Have you ever done anything to verify the
24 accuracy of any statements by any of your manufacturers
25 that the cigars are made from seeds descended from

1 seeds from Cuba?

2 A. No, sir.

3 Q. You are aware that, you were asked this
4 morning whether you are aware that at some point the
5 PTO rejected your, initially rejected your application
6 for Havana Club cigars?

7 A. Yes.

8 Q. And you are aware that the application was
9 amended from cigars to cigars made from Cuban-seed
10 tobacco?

11 A. Yes.

12 Q. And you are aware that was based on a
13 representation made by your attorney to the PTO that
14 the cigars were being made from Cuban-seed tobacco?

15 A. I don't know that.

16 Q. You don't know?

17 A. We did it because we didn't -- and -- all
18 my cigars that I had registered have some Cuban seed.
19 We never had to signify that before, so I didn't think
20 of it when I did it.

21 I mean, it's that simple. They -- all of
22 a sudden, they wanted that. And we put it in there.

23 Q. Do you know why -- you understand that
24 it's because you had the word "Havana" in the name of
25 the mark, that they asked for that?

1 A. I don't understand that.

2 Q. You don't understand that?

3 A. I understand that the cigar was going to
4 be made from Cuban seed. And that's what it is.

5 I make other cigars, Mr. Goldstein, with
6 Cuban seed that I never, when I registered the mark,
7 had to put that in there, so when I gave it to Jay, I
8 didn't even think of that.

9 Q. The basis for the original refusal was
10 because Havana for cigars was determined by the PTO to
11 be geographically deceptively misdescriptive, because
12 the cigars did not come from Havana; correct?

13 MR. SANCHELIMA: Objection. To the extent
14 that it requires legal knowledge from the
15 witness as to what those terms mean, I object.
16 But if he can answer the question, I will let
17 him answer.

18 THE WITNESS: I don't really understand
19 the question.

20 BY MR. GOLDSTEIN:

21 Q. You understand there was an initial
22 rejection, initial refusal by the PTO to register?

23 A. Yes.

24 Q. Do you know what the basis for that
25 initial refusal was?

1 A. That we didn't fill out the complete
2 application.

3 Q. That's your understanding?

4 A. That's my understanding.

5 Q. You also understand that at some point the
6 application was changed to cigars to cigars made from
7 Cuban-seed tobacco?

8 A. Yes.

9 Q. And after that, the application was
10 accepted and it was published for opposition?

11 A. Yes.

12 Q. Before you made the representation that
13 the cigars were to be made from Cuban-seed tobacco,
14 before that representation was made to the PTO, did you
15 do anything to verify that, in fact, the tobacco would
16 be made from seeds that really, in fact, were genuine
17 descendants from seeds that once upon a time came from
18 Cuba?

19 A. I discussed it with Plasencia, yes.

20 Q. So that's the only thing you did?

21 A. Yes.

22 Q. Do you know where in Cuba the seeds came
23 from?

24 A. No.

25 Q. Do you know if it's all one variety of

1 tobacco or different varieties?

2 A. I do not know.

3 Q. Do you know what varieties it is?

4 A. No, I do not.

5 Q. Do you know what selection processes have
6 been used over the years since the seeds were taken
7 from Cuba?

8 A. I know that they tried to improve it each
9 year; that's all I know.

10 Q. But you don't know how they do that?

11 A. No, I'm not a farmer.

12 Q. Do you know what steps have been taken in
13 the fields in Nicaragua, Honduras or Dominican Republic
14 to prevent mixing with native or other tobacco strains?

15 A. No, I don't.

16 Q. Now, I believe you testified this morning
17 that Cuban-seed tobacco cigars are generally
18 full-bodied?

19 A. Yes.

20 Q. What do you mean by full-bodied?

21 A. A stronger strength, a more robust
22 strength to it.

23 Q. And you would agree that there are
24 full-bodied cigars that are not made from Cuban seeds?

25 A. Yes.

1 Q. And you would also agree that there are
2 cigars claimed to be made from Cuban seed that would be
3 classified as either mild or medium?

4 A. I don't know. In my opinion, the
5 Cuban-seed cigars have a heavier strength to it.

6 Q. So you're not aware of any cigars that
7 claim to be Cuban-seed cigars that are promoted as
8 either mild- or medium-bodied?

9 A. No, sir.

10 Q. Earlier this morning you testified that
11 you had identified 48, I guess, 48 registrations; is
12 that what your testimony was?

13 A. Yes, sir.

14 Q. That used somewhere in the registration at
15 the USPTO either the word "Havana" or the word "Habana"
16 or the word, I guess, "Habano" or "Habanos"? Is that
17 the universe of words?

18 A. Yes. I researched two; Havana with a "v"
19 and a "b".

20 Q. And you marked, I guess we marked those 48
21 registrations or applications today --

22 A. I didn't --

23 Q. -- did we mark all 48 of them?

24 A. I didn't print the applications. There's
25 many more applications. I printed the ones that had a

1 registration No..

2 Q. You only printed the ones with
3 registration?

4 A. Yes.

5 Q. So you're saying that there were 48
6 registrations?

7 A. Well, I made one error.

8 Q. And I see 35.

9 A. Right.

10 It wasn't registered. There was one in
11 there that wasn't registered that I thought was.

12 Q. So that's 47?

13 A. Yes, sir.

14 Q. And of those, we understood that at least
15 two or three were duplicates; they were the same
16 registration?

17 A. I think it's the same company, but I think
18 it's different registration numbers. I'm not sure.
19 I'd have to research it.

20 Q. I thought that's what we did this morning.
21 At least two or three that were the same.

22 A. I went through it, and I found Havana
23 Honey had three different registrations. Now I don't
24 know how many we presented to you.

25 Q. You don't recall that we identified

1 Monsenor de la Habana and a couple of others?

2 A. I didn't. You did. But I didn't.

3 Q. So, the record will -- you don't recall
4 that, but the record will reflect whether, in fact, of
5 your 47 two or three are actually the same
6 registration.

7 A. Yes, I am not disputing that.

8 Q. And as you just said, of those brands,
9 several of the brands, there's different registrations,
10 but there's three or four for the same mark for the
11 same brand name, correct, one might be a word mark, one
12 might be word plus design?

13 A. Right.

14 Q. So there were three or four Havana Honeys?

15 A. I do not recall how many.

16 Q. But there were several La Habaneras?

17 A. There were instances of, yes.

18 Q. And there were several Havana Golds; you
19 recall all that?

20 A. Yes.

21 Q. Now, Havana Gold, Exhibit 7, you can look
22 at your -- I think you have your stack there.

23 MR. SANCHELIMA: Here it is. (Handing.)

24 BY MR. GOLDSTEIN:

25 Q. Now, you testified that Havana Gold was --

1 you recall seeing that in the market?

2 A. Yes.

3 Q. Where in the market?

4 A. I wouldn't know. Over the course of my
5 career, I've seen it in the marketplace.

6 Q. But you don't recall where?

7 A. No, sir.

8 Q. Do you have any idea the volume that's
9 sold?

10 A. No, sir.

11 Q. I mean, would you say it's one of the
12 hundred biggest brands?

13 A. I seems to be in a medium -- I mean, I've
14 seen it more than one time.

15 Q. And what does that mean; a few thousand
16 cigars sold a year?

17 MR. SANCHELIMA: I object.

18 BY MR. GOLDSTEIN:

19 Q. No idea?

20 A. I have no knowledge.

21 Q. You have no knowledge?

22 A. I mean, it could be any number. I don't
23 know?

24 Q. Have you seen it advertised anywhere?

25 A. It seems to me I have.

1 Q. But you don't recall where?

2 A. I don't know.

3 Q. Or when?

4 A. No.

5 Q. Does the company use Cuban seed in their
6 Havana Gold?

7 A. I don't know.

8 Q. Do you know if they say they use Cuban
9 seed?

10 I don't mean in their mark. I mean in
11 their promotion or...

12 A. No, I only know what it says right here.
13 (Indicating.)

14 Q. But in terms of the marketplace, where you
15 claim you've seen this cigar?

16 A. I don't know. I mean, I've seen the name
17 out there. I don't know. I mean, the name "Havana
18 Gold" is out there, but I don't know.

19 Q. If you look at Exhibit 8 -- I'm not going
20 to go through every one, but I'm going to go through a
21 lot of them.

22 Exhibit 8, where it says, "Habana, Habana
23 Cuba"; do you see that one?

24 A. Yes.

25 Q. You understand that's a Cuban cigar mark

1 owned by the Opposer here, the Cuban Cigar Company,
2 Corporacion Habanos, S.A.?

3 A. Yes.

4 Q. And you understand, from looking at the
5 mark, that the Habana is the little lettering, you
6 know, at the bottom the mark?

7 A. No, I don't -- I did not notice it.

8 Q. You're not familiar with this particular
9 design mark, itself?

10 A. No.

11 Q. Now, you are aware that when you go to
12 that PTO Web site and you look at the name of the mark,
13 if it's a design mark, the words are every single word
14 in the design. You understand that; correct?

15 A. No. I mean, I never paid any attention to
16 that. I was just looking for registration or Class 34.
17 I didn't look at detail, every record on
18 there.

19 Q. I'm not asking that.

20 Let me ask you, maybe clarify that: If
21 you look at the top of the wooden boxes, your Exhibit
22 3 --

23 A. Yes.

24 Q. -- and it has American Stogies and Indian
25 Head or that's your main Indian Head, Long Filler Hand

1 Made in Nicaragua; do you see that?

2 A. Yes.

3 Q. If you made an image of that label and
4 sought to register that with the PTO, you understand
5 that when you go to that Web site that you went to, the
6 words, the name of the mark that will appear will be
7 American Stogies, Long Filler, Hand Made in Nicaragua,
8 correct, showing that?

9 A. I don't know.

10 Q. You don't know that?

11 A. I only know that this logo is registered
12 as a U.S. trademark. That's all I know.

13 Q. So when you went and printed this out, you
14 made no distinction between whether it was a mark that
15 simply had the words Habana Cuba for a Cuban cigar or
16 whether all these brands, Havana Gold or Havana Club --

17 A. I looked for anything with the name
18 Havana.

19 Q. That's what I want to clarify.
20 You said you only printed registrations;
21 correct?

22 A. I thought I did, yes. I think I missed
23 one.

24 Q. If you look at Exhibit 9; that's San
25 Cristobal De La Habana?

1 A. Yes.

2 Q. That's not registered; correct?

3 A. No, it's not.

4 Q. And it's also not in the market; right?

5 A. I have not seen it in the market, that I

6 can recall.

7 Q. If you look at -- you know it's a Cuban

8 cigar mark? You are aware that San Cristobal De La

9 Habana is a Cuban cigar mark, so...

10 A. Well, I used to have a mark called San

11 Cristobal. I sold that mark.

12 Q. But not San Cristobal De La Habana?

13 A. No, but I had a mark called "San

14 Cristobal."

15 Q. Right. That's a different mark.

16 If you look at Exhibit 10, Habana Leon.

17 A. Yes.

18 Q. That mark is not in the market; correct?

19 A. I don't know. I think it is. I think

20 that -- I'm not sure. I would have to check, because I

21 make cigars for this guy. I think he said he's making

22 this cigar.

23 Q. If he is, he's not making very many; is

24 that correct?

25 A. I don't know how many he's making. I

1 don't make them for him.

2 Q. You've never seen them in the cigar
3 market?

4 A. No. I said he --

5 MR. SANCHELIMA: Objection. Compound.
6 Form.

7 THE WITNESS: I know --

8 BY MR. GOLDSTEIN:

9 Q. Let me withdraw the question.
10 You have not seen any Habana Leon cigars
11 in the American market; is that correct?

12 A. No, I have not seen it. I know that he
13 makes a cigar; that's all I know.

14 Q. If you look at Exhibit 11, Giraldilla De
15 La Habana; do you see that?

16 MR. SANCHELIMA: Hand Made cigars; is that
17 what you're referring to?

18 MR. GOLDSTEIN: Yes.

19 BY MR. GOLDSTEIN:

20 Q. Do you see that?

21 A. Is the question to me?

22 Q. Yes.

23 And you see that it's every word that's in
24 the design, Giraldilla De La Habana Hand Made cigars;
25 that's how they name the mark on that Web site you go

1 to?

2 A. I don't?

3 Q. If you look at the word mark, it's every
4 single word in the design, whether or not the applicant
5 intended hand made cigars to be part of his brand name.

6 MR. SANCHELIMA: Counsel, I think that --

7 THE WITNESS: I don't understand what
8 you're saying.

9 MR. SANCHELIMA: Maybe I can help here a
10 little bit, Counsel, because you're asking
11 questions that relate to the policy that the
12 Patent Office has in digesting a mark into a
13 particular field, which is the word mark field.

14 MR. GOLDSTEIN: Right.

15 MR. SANCHELIMA: Maybe if we agree, and
16 I would stipulate what you're trying to show or
17 what I think you're trying to show, that
18 whatever words are included in the mark
19 that may include a design or not, are those that
20 appear in the field "word mark," which is the
21 field that he searched on, because obviously --

22 MR. GOLDSTEIN: I will stipulate both to
23 that, and if you are willing to stipulate to the
24 fact that when he did a search, he didn't
25 distinguish between brand names and finding the

1 word Havana or Habana somewhere in the design?

2 MR. SANCHELIMA: I'm willing to stipulate
3 that when he conducted the search, he searched
4 for the word "Havana" with a "v" and "Habana
5 "with a "b" in the word mark field.

6 MR. GOLDSTEIN: Wherever it appeared.

7 MR. SANCHELIMA: In the word mark field;
8 right.

9 MR. GOLDSTEIN: That's fine.

10 MR. SANCHELIMA: That's what he did.

11 That's what he testified to.

12 BY MR. GOLDSTEIN:

13 Q. And De La Habana hand made cigars, that
14 particular brand, you've never seen that in the market,
15 have you?

16 A. Which one?

17 MR. SANCHELIMA: This one. (Indicating.)

18 THE WITNESS: No, I have not.

19 BY MR. GOLDSTEIN:

20 Q. And, do you know -- if you go to the
21 second page, do you know who Lauro T. Perez is?

22 A. Who is what now?

23 Q. The owner of the mark, or the co-owner of
24 the mark, Perez?

25 A. No, I don't.

1 Q. You don't know him?

2 A. No.

3 Q. You're aware that he's been indicted down
4 here, federal indictment, for engaging in
5 counterfeiting Cuban cigars?

6 A. No, I didn't; but I'm glad he is.

7 Q. Do you know that his -- that any of his
8 co-defendants have been already convicted of, engaged
9 in counterfeiting of Cuban cigars?

10 A. I know some people were indicted. I'm
11 glad that they were indicted. That's the type of thing
12 we don't need.

13 Q. If you look at Exhibit 13.

14 MR. SANCHELIMA: Are you skipping 12?

15 MR. GOLDSTEIN: Yes, I'm skipping 12.

16 BY MR. GOLDSTEIN:

17 Q. Fonseca Habana Seleccion; do you see that
18 one?

19 A. Yes.

20 Q. That one is also not registered; correct?

21 A. I guess not. I don't see a registration
22 number on this.

23 Q. And it's also not in the market; is that
24 correct?

25 A. Fonseca is in the market; whether they

1 call it Habana Seleccion, I don't know. I thought I
2 saw something of that with Habana Seleccion.

3 Q. Where did you see that?

4 A. On the trade some place. It's a very
5 popular name, Fonseca. But whether -- a lot of them
6 have a reserva, selecta, Habana seleccion, this type of
7 thing, and I thought that I had seen that.

8 Q. You thought you had seen it?

9 A. I thought I had seen that.

10 Q. If you look at No. 17, this La Vieja
11 Habana --

12 A. Yes.

13 Q. -- that, you have not seen that in the
14 market; is that correct?

15 A. I have not seen that in the market, that I
16 recall.

17 Q. If you look at 21, Exhibit 21, Vegas
18 Robaina.

19 A. Yes.

20 Q. Do you see that that's also owned by my
21 clients, the Cuban Cigar Company, Corporacion Habanos?

22 A. Yes.

23 Q. And the Habana Cuba is at the bottom
24 there, that's where the cigars come from; correct?

25 A. I can't read it.

1 Q. You can't make out the image?

2 A. No. You can't read that.

3 Q. Did you go to the records to determine
4 what the Habana Cuba referred to?

5 A. No.

6 Q. But you understand that the Cuban Cigar
7 Company's cigars come from Cuba; right?

8 A. Well, yes.

9 Q. If you look at Exhibit 22.

10 A. Other cigars come from Cuba that aren't
11 with the name "Havana." I mean...

12 MR. SANCHELIMA: Which one are you talking
13 about now?

14 BY MR. GOLDSTEIN:

15 Q. This mark, "Vegas Robaina" is the design
16 mark "Vegas Robaina"; correct?

17 A. Okay.

18 Q. And underneath, it says where it's from,
19 Havana, Cuba; correct?

20 A. I imagine just like any of our cigars say,
21 "country of origin."

22 Q. Right. So that's where the word "Havana"
23 comes from; right?

24 A. I don't know.

25 MR. SANCHELIMA: Objection.

1 THE WITNESS: I thought it was in the
2 name. It says it in the name here...

3 MR. GOLDSTEIN: Okay. We already
4 stipulated to where that comes from.

5 BY MR. GOLDSTEIN:

6 Q. If you look at 22.

7 A. Okay.

8 Q. Edmundo Dantes La Habana Cuba; do you see
9 that?

10 A. Yes.

11 Q. And on the very bottom line, it's a little
12 hard to read it, but it says, "La Habana Cuba," under
13 the words "Edmundo Dantes."

14 A. Again, you can't make out what that says.

15 Q. You can't make out what it says.

16 A. No.

17 Q. Your testimony is, you can't make out what
18 it says?

19 A. I can't make out what it says.

20 MR. SANCHELIMA: I'll object. The
21 document speaks for itself.

22 BY MR. GOLDSTEIN:

23 Q. And you're aware that this is also a mark
24 of the Cuban Cigar Company, Empresa Cubana Del Tabaco?

25 A. Yes.

1 Q. And you understand that's a cigar company
2 in Cuba?

3 A. Yes.

4 Q. And you understand that Edmundo Dantes is
5 a Cuban cigar?

6 A. I do now.

7 Q. And if you look at 23, you're familiar
8 with the mark, "Punch"; right?

9 A. Yes.

10 Q. But if I had said to you, are you familiar
11 with the mark, "Punch Gran Fabrica De Tabacos Punch, De
12 J. Valley CA Manuel Lopez Habana," could you tell me
13 you have seen that mark in the marketplace?

14 A. I don't know. I have seen "Punch."

15 Q. And Punch is a famous brand; right?

16 A. Yes.

17 Q. And it was originally a Cuban brand, a
18 pre-revolution brand?

19 A. That's correct.

20 Q. And you understand that those companies
21 that own some of the pre-revolution brands use the
22 exact same design as the Cubans either used then or are
23 using now?

24 A. I don't know that.

25 Q. You have been in the cigar business 45

1 years?

2 A. Yes.

3 Q. If you look at Belinda.

4 MR. SANCHELIMA: What No. is that?

5 MR. GOLDSTEIN: Exhibit 25.

6 BY MR. GOLDSTEIN:

7 Q. And you're familiar with the mark,

8 "Belinda"; is that correct?

9 A. Yes.

10 Q. And you're also aware that that's also a
11 mark that was well known in Cuba, a Cuban cigar from
12 before the revolution?

13 A. I know it was made in Cuba at one time,
14 yes.

15 Q. If you look at Exhibit 30. This is the
16 one that you identified as being in International Class
17 35 for a service mark.

18 A. Yes, I believe so, sir. It's a club that
19 uses that name.

20 Q. If you look at 31, Exhibit 31. This is
21 Havana Moassel. You see that it's registered on the
22 supplemental register; do you see that?

23 A. No. I see it on here now, yes.

24 Q. And the other marks that were registered
25 were registered on the principal register; right?

1 A. I don't know.

2 Q. You're seeking to register your mark on
3 the principal register?

4 MR. SANCHELIMA: Objection as to the
5 question as to it requires legal knowledge on
6 the part of this witness.

7 BY MR. GOLDSTEIN:

8 Q. Let me ask it this way: Do you know what
9 the supplemental register is?

10 A. No.

11 Q. Did you exclude from your search list
12 those marks that were applied for or registered on the
13 supplemental register?

14 A. I just went in and put a search for the
15 word -- anything that contained the word "Habana" with
16 a "b" or "Havana" with a "v."

17 And I did a -- the first, the easy search,
18 the first one, in a test. There is advanced search. I
19 did the first one.

20 Q. And in the terms of the marks that you
21 provided to your Counsel, did you not distinguish
22 between the principal register and the supplemental
23 register; is that correct?

24 MR. SANCHELIMA: Objection to the
25 question. The witness has already answered

1 several times the way that the search was
2 conducted, and we have stipulations --

3 MR. GOLDSTEIN: It has nothing -- the
4 question has nothing to do --

5 MR. SANCHELIMA: Let me finish my
6 objection.

7 MR. GOLDSTEIN: I didn't ask anything
8 about the search.

9 MR. SANCHELIMA: This matter has been
10 asked and answered several times.

11 MR. GOLDSTEIN: It has not, because I
12 didn't ask him about the search. I asked a
13 question, and the question was: "When you
14 provided the printout to the Counsel, did you
15 distinguish between those that were from the
16 principal register and those that were from the
17 supplemental register?"

18 THE WITNESS: I don't know the difference,
19 so I guess I couldn't.

20 BY MR. GOLDSTEIN:

21 Q. Have you ever smoked a Havana Honey cigar?

22 A. I believe I have, yes.

23 Q. Are they considered flavored cigars?

24 A. I believe some are, some are not.

25 Q. Are they, would you describe them to your

1 palate as mild, medium or full-bodied?

2 A. More of a full-bodied, but a sweet taste
3 to it.

4 I think they use honey on them. The one I
5 had was dipped in honey or something, so it becomes a
6 sweet taste and it ruins the flavor of the tobacco in
7 my opinion.

8 Q. If you look at Exhibit 32, and where have
9 you seen that in the market?

10 A. This is another mail order company that, I
11 make cigars for them and he said he's making this cigar
12 called Havana Soul --

13 Q. And have you actually seen that anywhere
14 in the market?

15 A. No, I have not seen it actually myself.

16 Q. Do you know if it's made from Cuban-seed
17 tobacco?

18 A. I do not know.

19 Q. Did you know if it promotes itself as
20 being made from Cuban-seed tobacco?

21 A. I don't know.

22 Q. And you don't have any idea of how many of
23 these cigars are sold?

24 A. No, I do not.

25 Q. Or where they're sold?

1 A. They're sold by Cigar King in Arizona.

2 He's mainly a mail order, but he also has
3 a retail store.

4 Q. If you look at Exhibit 33, it says,
5 "Havana Sun Grown." And you see that one is also on
6 the supplemental register; do you see that?

7 A. Yes, but I also see a registration date.

8 Q. Right. And you see that it's reg --
9 supplemental register date?

10 A. I see it says that on the paper, yes.

11 Q. And you said that you have seen this cigar
12 on the market?

13 A. Yes, I have.

14 Q. Where in the market have you seen this?

15 A. It could have been any number of smoke
16 shops. And I'm also thinking I saw it down at the
17 factory where it was made in either Honduras or
18 Nicaragua.

19 Q. Do you have any idea how many are sold?

20 A. No, I do not.

21 Q. Or where in the United States they're
22 sold?

23 A. No, I do not.

24 Q. Do you know if it's made from tobacco
25 claimed to be Cuban-seed tobacco?

1 A. I assuming it is. I do not know.

2 Q. Do you know if it's promoted as being made
3 from Cuban-seed tobacco?

4 A. I don't know.

5 Q. Have you ever smoked them?

6 A. No, I have not.

7 Q. Have you ever smoked a Havana Soul?

8 A. No, I have not.

9 Q. If you look at 34, Exhibit 34, and this is
10 another one that's registered on the supplemental
11 register; is that correct?

12 A. You're referring to the word that says,
13 "Supplemental" with a big "S"?

14 Q. Yes.

15 A. Yes,

16 Q. And if you look at No. 35, this mark is
17 also not registered; correct?

18 MR. SANCHELIMA: I object. I'll let the
19 document speak for itself.

20 I'm willing to stipulate that, if you
21 want, Counsel, that all the documents that show
22 "Applicant," will be applications and all the
23 ones that show "Registrant" will be
24 registrations.

25 Why quiz this witness on his legal

1 understanding of a document?

2 MR. GOLDSTEIN: Because you had him
3 testify to each one of these, and he testified
4 to me that he only printed out the ones that
5 were registered with one error. So I'm entitled
6 to probe what he did when he printed these out.
7 And that's the purpose in this.

8 MR. SANCHELIMA: All right.

9 If you use the word "registration," then
10 it may have been from a legal standpoint not
11 accurate, but the documents speak for
12 themselves. The documents, they are going to
13 be --

14 MR. GOLDSTEIN: The record -- the question
15 and answer will speak for itself as to what he
16 testified he did, which he obviously didn't do.

17 BY MR. GOLDSTEIN:

18 Q. And it's also true you did not limit
19 yourself to cigars, just to whether it was an
20 International Class 34; is that correct?

21 A. I tried to look and see if it was a cigar,
22 but International Class 34, yes.

23 Q. And in terms of the ones you printed out
24 and provided to your Counsel, you made no cut. You
25 didn't cut out the ones that weren't for cigars; is

1 that correct?

2 A. I think there was one in there I did by
3 mistake, yes.

4 Q. That was Savannah Blossom --

5 A. Yes.

6 Q. -- which is chewing tobacco?

7 A. That was the one that we found out was
8 chewing tobacco, but to me it's the same thing.

9 Q. Chewing tobacco is the same thing as
10 cigars?

11 A. Not the same in that way, but it's
12 presented -- it's not from Havana.

13 Q. Do you know if, that chewing tobacco is
14 made from, in Havana Blossom chewing tobacco comes from
15 Cuban-seed tobacco?

16 A. No, I do not.

17 Q. And if you look at Exhibit 42, can we
18 agree that that mark is also not registered?

19 MR. SANCHELIMA: Yes.

20 MR. GOLDSTEIN: And if we look at 43 --

21 MR. SANCHELIMA: Yes.

22 MR. GOLDSTEIN: -- Havana Jewels, can we
23 agree that that one is not registered?

24 MR. SANCHELIMA: Right.

25 THE WITNESS: I have seen Havana Jewels on

1 the market. It's a very popular cigar. It
2 comes with a wooden tip. It's made by a company
3 up in Tampa, Florida, called HavaTampa.
4 And it's a very, very popular cigar. Whether
5 it's this cigar, I don't know.

6 But I know there is a cigar on the market
7 called Havana Jewels. First cigar I ever
8 smoked.

9 BY MR. GOLDSTEIN:

10 Q. The Applicant here is Havana Jewels
11 Cigars, Inc.. Do you know who they are?

12 A. No, I don't.

13 Q. Can we agree that Havana Collection,
14 Exhibit 44, is not registered?

15 MR. SANCHELIMA: Yes.

16 MR. GOLDSTEIN: And Exhibit 45, also is
17 not registered; is that correct?

18 MR. SANCHELIMA: That's correct.

19 BY MR. GOLDSTEIN:

20 Q. Now, you said you thought you saw this one
21 somewhere?

22 A. Yes, Havana Dreams, I thought I have.

23 Q. Where do you think you saw it?

24 A. Probably in a trade magazine or at a trade
25 show or someplace in the marketplace, but probably at a

1 trade show.

2 Q. When was that?

3 A. It could have been in the last two years.

4 Q. Have you seen it in commerce anywhere?

5 A. Not that I recall.

6 Q. And there is another Havana Dreams,
7 Exhibit 46, and that's also not registered; is that
8 correct?

9 MR. SANCHELIMA: I stipulate to that.

10 MR. GOLDSTEIN: Okay. And we can
11 stipulate that 47 is not registered?

12 MR. SANCHELIMA: I will stipulate to that.

13 BY MR. GOLDSTEIN:

14 Q. If you look at Exhibit 49, this is Havana
15 Classic.

16 And I think your testimony is, you seen it
17 someplace. Do you know where?

18 A. No, I don't.

19 Q. Do you know when?

20 A. No, I don't.

21 MR. GOLDSTEIN: And we will stipulate that
22 Exhibit 50 is not registered?

23 MR. SANCHELIMA: I stipulate to that.

24 (Thereupon, off-the-record discussion.)

25

1 BY MR. GOLDSTEIN:

2 Q. Take a look at Exhibit 56, Havana Blend,
3 and I wrote here you said you saw it in a market some
4 place, in a smoke shop?

5 A. I thought I saw it in Texas. That's what
6 I was thinking.

7 Q. Anywhere else?

8 A. I don't know. I go so many places, I
9 don't recall. It could have been many places.

10 It seems to me the packaging was brown,
11 but I don't know where I saw it. I have seen it and I
12 have heard about it.

13 Q. Do you know if it is made from tobacco
14 claimed to be Cuban seed tobacco?

15 A. I don't know that for a fact.

16 Q. Do you know how much it is promoted,
17 whether it is promoted to be Cuban seed tobacco?

18 A. It is stated in that registration.

19 Q. I know what people do in their
20 applications. I'm asking you in the market?

21 A. I don't know how they market it.

22 Q. Exhibit 6 on Havana Sunrise, that's Mr.
23 Gomez' company mark; is that correct?

24 A. Yes.

25 Q. And you said you have seen that in the

1 market?

2 A. Yes. Or I have seen it being
3 manufactured.

4 Q. You have seen it being manufactured?

5 A. Yes.

6 Q. Do you know where it is sold?

7 A. No, I don't.

8 Q. You don't know?

9 A. No, I don't.

10 Q. If you look at 61, you understand that
11 this is Habanos Unicos and you understand this is a
12 mark of my client, Corporacion Habanos?

13 A. Yes.

14 Q. You see that advertised in, like, Smoke
15 Magazine?

16 A. Yes.

17 Q. You understand it is a mark of the Cuban
18 cigar company?

19 A. I have seen it advertised. I can't
20 understand why it is advertised if it is not sold in
21 this country.

22 Q. If you look at Exhibit 65, this is Havana
23 Reserve. You testified you have seen it in a lot of
24 places?

25 A. Yes.

1 Q. Where have you seen it?

2 A. Right down the street at the factory when
3 I sold them antique cigar lighters. I'm sure this is
4 the company.

5 Q. This is where it is made?

6 A. I have seen it. It is all over the place

7 Q. Have you seen it advertised?

8 A. I believe so.

9 Q. Do you know if it is made from Cuban seed
10 tobacco?

11 The question is: Do you know if they make
12 the product from something they call Cuban seed
13 tobacco.

14 A. Only from what I see in the registration.

15 Q. What about what you have seen in the
16 market?

17 A. I don't pay any attention.

18 Q. Do you have any idea the volume of sales
19 of this mark?

20 A. I think it is pretty good, but it would be
21 just a guess.

22 Q. You're just guessing?

23 A. Yes.

24 Q. If you look at Exhibit 66, this is Royal
25 Havana?

1 If you look under goods and services it
2 says, "Cigars grown from Cuban seed tobacco from the
3 Havana region." Do you see that?

4 A. Yes.

5 Q. I'm just using that as a point. You
6 testified earlier that you are not aware of any tobacco
7 grown in the City of Havana?

8 A. It says Havana region. There is a big
9 difference between a region and city.

10 Q. I'm just pointing out the starting place
11 of the question.

12 You testified earlier you're not aware of
13 any tobacco grown in the City of Havana?

14 A. In the City of Havana; that's correct.

15 Q. You are aware there is something called
16 the Province of Havana?

17 A. No, I don't.

18 Q. Are you aware if tobacco has been grown in
19 the province? Have you ever been to the City of
20 Havana?

21 A. No, I have not.

22 Q. Have you ever visited the Province of
23 Havana?

24 A. No.

25 Q. I think you testified the only place you

1 have been in the military is Guantanamo?

2 A. Yes.

3 Q. You have no knowledge whether tobacco is
4 grown in the Province of Havana?

5 A. That's correct.

6 Q. And the product you're selling is cigars?

7 A. Yes.

8 Q. You are aware cigars are manufactured in
9 the City of Havana?

10 A. Yes.

11 Q. Take a look at 68? And that's the Cuban
12 government warranty mark that we looked at before;
13 correct?

14 A. Yes.

15 Q. If you look under goods and services it
16 says ICA. Do you see that as opposed to IC 34?

17 A. ICA.

18 Q. Do you have an understanding that "A"
19 stands for a certification mark as opposed to a
20 trademark?

21 A. No.

22 Q. You testified earlier that you had a
23 friend or acquaintance, someone you knew who was
24 counterfeiting the Cuban certification, Cuban
25 government certification?

1 A. He was counterfeiting Cuban cigars and had
2 that seal counterfeited, yes.

3 Q. And the reason for people counterfeit
4 Cuban cigars is because of a desire for Cuban cigars in
5 the United States despite their illegality?

6 A. Because they can't get them, the
7 prohibition, I'm assuming.

8 Q. If you look at Exhibit 69, this is a
9 printout from the web that you printed out?

10 A. Yes.

11 Q. For the holder of the appellation Havana.
12 Do you see that?

13 A. Yes.

14 Q. Do you understand what it is that you're
15 looking at here?

16 A. I'm assuming that it is a name, worldwide
17 trademark.

18 MR. SANCHELIMA: Objection. Instruct you
19 not to assume or make assumptions. Listen to the
20 question. If you can answer it, answer it, please.

21 BY MR. GOLDSTEIN:

22 Q. Where did you go on the web to download
23 this?

24 A. It was on an international website. I
25 don't recall what it was.

1 Q. www.wipo.int

2 A. I don't recall.

3 Q. Do you know which --

4 A. I was fooling around --

5 MR. SANCHELIMA: I'll stipulate it came
6 from wipo as the document states.

7 MR. GOLDSTEIN: I know what it is, but he
8 doesn't. I'm trying to figure out if he knows
9 what it is.

10 MR. SANCHELIMA: Ask him.

11 BY MR. GOLDSTEIN:

12 Q. Do you know what is being registered here?

13 A. I think it is the name "Habana,"
14 International class.

15 Q. Of the cigars you said were in the market
16 that have either the word Havana or Habana in them that
17 were not my client, not Cuban cigars, have you smoked
18 any of them?

19 A. Other than Havana Honey I don't believe I
20 have.

21 Q. Of those cigars that you have identified
22 as you believe are on the market do you know how they
23 classify themselves as, whether full, medium or mild?

24 A. I'm assuming because of the name Havana it
25 has to be a heavier cigar.

1 Q. You're just assuming that?

2 A. Yes, I am just assuming that from
3 knowledge. It usually is.

4 Q. Earlier in your testimony you said that
5 Cuban seed is the most prominent tobacco. Do you
6 recall that?

7 A. I don't know if it is the most prominent.
8 It is a very heavy -- as far as use, you mean.

9 Q. Yes.

10 A. Yes, I think that's correct.

11 Q. It is very commonly used?

12 A. Yes.

13 Q. Is it very common for people to say their
14 cigars are made from Cuban seed or they're made from
15 tobacco claimed to be descended from Cuban seed?

16 A. Yes.

17 Q. I believe you said all of your cigars that
18 you sell have some or all Cuban seed except for Cibao?

19 A. I don't think I said all. I said, "Most
20 of them." And I know Cibao.

21 Q. Do you list when you market your brands,
22 not on the box, but when you market them do you market
23 them based on whether they are mild, medium or full
24 bodied?

25 A. No. We may make some comment to a

1 particular retailer if he is asking, but we normally
2 let the cigars speak for themselves. Everyone's taste
3 is different.

4 Q. And do you --I'm not sure if the word
5 advertise is correct.

6 Do you list your cigars or are your cigars
7 listed in that Perelman's Pocket Cyclopedia of Cigars?

8 A. He lists everybody's cigars.

9 Q. Does he list all your cigars?

10 A. He comes every year to the trade show and
11 asks for a list of what we have and we give him the
12 list. That is how he does it. He takes it back and
13 publishes it.

14 Q. In there do you identify whether your
15 cigars are mild, medium or full bodied?

16 A. He does. Sometimes we tell him we feel it
17 is mild, medium or strong.

18 Q. For all the cigars made from Cuban seed in
19 Perelman's listing do they say whether or not they
20 are --

21 A. I don't know.

22 Q. Do you provide him with that information?

23 A. We give him a list of our cigars and
24 normally it has a description. Sometimes he asks where
25 the tobacco is from and we tell him. I don't think he

1 has ever asks is it Cuban seed. He asks where the
2 tobacco is from.

3 Q. Is there any way you tell him that it is
4 made from Cuban seed?

5 A. I don't recall. I don't know. It could
6 be.

7 Q. If an American cigar consumer came to a
8 store and saw American Stogies in this wooden box for
9 the first time and didn't know anything about the brand
10 there wouldn't be any way for them to tell before they
11 bought it that it was made from Cuban seed tobacco?

12 A. Unless we put it in the package. There is
13 not room on the box to put it.

14 Q. When they smoke it would they know it was
15 or wasn't made from Cuban seed tobacco?

16 A. I don't know. I can't testify how
17 knowledgeable or what the tobacco smoker does. I
18 believe what he had for lunch would make a big
19 difference, anything.

20 MR. GOLDSTEIN: I have no more questions.

21 MR. SANCHELIMA: Redirect.

22 REDIRECT EXAMINATION

23 BY MR. SANCHELIMA:

24 Q. Mr. Bock, counsel identified as Exhibit BC
25 1, a label that you're using?

1 A. Yes. I spent money to have a graphics
2 designer do that and I remember his name was Silvio
3 Grafta, a Cuban.

4 Q. Let me ask this question I want to ask.
5 Is there a definite label now for you to use the Havana
6 Club mark with a particular cigar?

7 A. No.

8 Q. Counsel asked you in connection with
9 "Havana" and I believe you answered that you assumed it
10 is a strong cigar because of the use of the word
11 "Havana." Is that what you answered?

12 A. I don't quite follow.

13 Q. I think there was a question that was
14 asked by counsel where you answered somewhere along the
15 line that you assume it has to be a strong cigar
16 because of the use of the word "Havana"?

17 A. Yes, that's correct.

18 Q. On this brand that uses the word "Havana"
19 do you have, if you were to smoke one of those cigars,
20 an expectation of a strong cigar?

21 A. Of a strong, full bodied cigar. We prefer
22 the words "strong bodied" rather than strong.

23 MR. SANCHELIMA: No further questions.

24

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RECROSS EXAMINATION

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BY MR. GOLDSTEIN:

Q. To be clear, your testimony is if somebody puts the word "Havana" in a brand name the consumer would expect it is a full flavored strong cigar?

A. I think Havana is associated with a full bodied cigar, yes. The name "Havana" indicates the cigar is a full bodied cigar.

Q. Not referring to Havana, Cuba?

A. Just Havana.

MR. GOLDSTEIN: As a ministerial thing, I am moving to admit Bock Cross 1 in evidence.

MR. SANCHELIMA: I don't think the rules require we formally move to admit all the exhibits, but I will formalize it by saying I will move to admit all the exhibits we used today subject to the objections you have

MR. GOLDSTEIN: I'm done with you Mr. Bock. () 2:30 p.m.

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(Thereupon, the deposition was concluded.)

1 Reading and signing were not waived.)

2

3

Deponent

4

Sworn to and Subscribed before me on this

5

12 day of December, 2007.

6

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Notary Public

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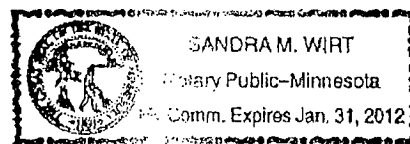
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CASTILLO & CASTILLO
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December 7, 2007

Mr. William Bock
16112 Northwest 13th Avenue
Suite E
Miami, Florida 33172

Re: Corporacion Habanos vs. Anncas, Inc.
_____Case No. __91165519_____

Dear Mr. Bock:

The transcript of your deposition in the
above-styled cause is now ready for reading and signing
by you.

A copy of the deposition has been furnished to
Attorney Jesus Sanchelima. If you will telephone his
office, you can make arrangements with him to read the
deposition and make any necessary corrections on the
attached errata sheet, stating the page and line number
where the error occurred.

Thank you,

Robert H. Castillo,
Court Reporter

cc: Jesus Sanchelima, Esq.
David Goldstein, Esq.

CASTILLO & CASTILLO COURT REPORTERS - TEL. (305) 324-6311

ERRATA SHEET

The following are corrections to be made in my
attached deposition taken on November 14, 2007:

CASTILLO & CASTILLO COURT REPORTERS - TEL. (305) 324-6311

REPORTER'S CERTIFICATE


STATE OF FLORIDA:

COUNTY OF DADE:

I, ROBERT H. CASTILLO, RPR, certify that I was authorized to and did stenographically report the foregoing deposition taken on November 14, 2007, pages 1 to and including 141, and that the transcript is a true record of the testimony given by the witness, William Bock, who was by me first duly sworn.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

WITNESS my hand and official seal this 7th day of December, 2007.



ROBERT H. CASTILLO, RPR

Official Notary Seal - Robert H. Castillo

Notary Public State of Florida

Commission No. DD378769

My Commission Exp: Dec. 29, 2008

RHC/

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition No. 91165519

CORPORACION HABANOS, S.A.

Opposer,

vs.

ANNCAS, INC.,

Applicant.

ORIGINAL

Sanchelima & Associates, P.A.
235 Southwest LeJeune Road
Miami, Florida 33134
November 14, 2007
2:00 p.m.

DEPOSITION OF

BENJAMIN GOMEZ

Taken before ROBERT H. CASTILLO, Court Reporter
and Notary Public for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in the
above cause.

- - -

1 APPEARANCES:

2 SANCHELIMA & ASSOCIATES, P.A.
 BY: JESUS SANCHELIMA, REG. PAT. ATTORNEY
 3 235 Southwest LeJeune Road
 Miami, Florida 33134
 4 On behalf of the Applicant.

5
 RABINOWITZ, BOUDIN, STANDARD, KRINSKY &
 6 LIEBEMAN, P.C.
 BY: DAVID B. GOLDSTEIN, ESQ.
 7 111 Broadway
 New York, New York 10006
 8 On behalf of the Opposer
 9

I _ N _ D _ E _ X

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10

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Benjamin Gomez	3	12	49	

E _ X _ H _ I _ B _ I _ T _ S

13

Gomez Cross-Exhibit No. 1	Page 26
14 Gomez Cross-Exhibit No. 2	Page 32
Gomez Cross-Exhibit No. 3	Page 40
15 Gomez Cross-Exhibit No. 4	Page 42
Gomez Cross-Exhibit No. 5	Page 43
16 Gomez Cross-Exhibit No. 6	Page 47

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1 THEREUPON:

2 BENJAMIN GOMEZ

3 was called as a witness by the Applicant and, having
4 been first duly sworn, was examined and testified as
5 follows:

6 MR. GOLDSTEIN: Before we begin, I just
7 want to put on the record that Opposer objects
8 to the taking of the trial testimony of Benjamin
9 Gomez. He was never identified as a possible
10 witness at anytime in this matter prior to
11 Wednesday, November 7 and never identified in
12 discovery or any supplemental discovery and the
13 record reflects that neither his existence nor
14 his Havana Sunrise mark. It is a surprise to
15 the Applicant or Applicant's attorney.

16 We reserve all rights to object and move
17 to exclude any use of and reliance on his
18 testimony. And any appearance at the taking of
19 this trial testimony and any examination I may
20 conduct is not intended as a waiver of Opposer's
21 rights or position with respect to any use or
22 admissibility of Mr. Gomez' testimony.

23 MR. SANCHELIMA: All right. Let's go on
24 the record here.

25

DIRECT EXAMINATION

1

2 BY MR. SANCHELIMA:

2

3 Q. Could you please state your name and
4 present occupation?

3

4

5 A. My name is Benjamin Gomez, Jr.. I'm
6 president of Inter America Cigars.

5

6

7 Q. What does Inter America Cigars do?

7

8 A. Inter America Cigars is a company that has
9 been for many years importing cigars, handmade cigars,
10 and we distribute them through different distributors
11 in the United States.

8

9

10

11

12 Q. Approximately how long has Inter America
13 been in this business?

12

13

14 A. Approximately 35 years.

14

15 Q. What position do you have with Inter
16 America Cigar?

15

16

17 A. Right now, president.

17

18 Q. Have you always been the president of
19 Inter America Cigar?

18

19

20 A. No, I have not.

20

21 Q. Who was the president before you?

21

22 A. My father.

22

23 Q. Out of those 35 years that Inter America
24 has been in business, how long have you been the
25 president? How long was your father president?

23

24

25

1 A. I became president before he passed away,
2 2001, November 2001.

3 Q. And prior to that, he was the president?

4 A. My father was the president prior to that.

5 Q. Does Inter America Cigar have any brand of
6 cigars?

7 A. Yes, it does.

8 Q. What are these brands?

9 A. We have -- one is Havana Sunrise. Another
10 was Primo del Cristo. Another one is Villanueva.
11 Another one is Hoja de Honduras.

12 Premier de Honduras. Premier de
13 Nicaragua. And Estrella de Honduras. Estrella, Star.

14 Q. How long have you been using Havana
15 Sunrise?

16 A. I have been using it for approximately
17 five years, five or six years.

18 Q. And is the mark registered?

19 A. Yes, it is.

20 Q. What kind of tobacco is used in the
21 fabrication of the Havana Sunrise cigar?

22 A. The wrapper is Connecticut/Ecuador, and
23 the filler -- we have different Havana seeds from
24 Nicaragua and Honduras. We have binder, which is from
25 Nicaragua, Jalapa. And some other seeds, Havana seeds

1 grown in Estli.

2 Q. When you say, "Havana seeds," are these
3 seeds that come from Havana?

4 A. No. They're just seeds from the leaf of
5 Cuba back in the day.

6 Q. Are these Havana seeds also known as Cuban
7 seeds?

8 A. Yes. Cuban tobacco seeds.

9 Q. Where do you get this tobacco from? Do
10 you grow it yourself?

11 A. No.

12 Q. Where do you get your tobacco from?

13 A. I buy finished product from Nicaragua,
14 Honduras, Dominican Republic.

15 Q. And how do you order this tobacco from
16 these producers in these countries?

17 A. I order -- the different brands have
18 different tobaccos inside the cigar that give them
19 different flavors.

20 Q. Different blends, you mean?

21 A. Yes, sir.

22 Q. Let's take this Havana Sunrise; how do you
23 order, if you want to order X amount of cigars under
24 the Havana Sunrise label?

25 How do you order? Walk us through it.

1 A. The company that manufacturers already has
2 a blend made for that particular brand. And you order
3 the taste that you want by ordering different leaves
4 that you want inside the product.

5 Q. And this particular type of cigar, you
6 said for the wrapper you ask them for a Connecticut
7 wrapper?

8 A. Connecticut seed grown in Ecuador.

9 Q. It has to be grown in Ecuador?

10 A. That's the most feasible and available one
11 at this time.

12 Q. Are the Connecticut seed wrappers grown in
13 the State of Connecticut?

14 A. Yes, it is.

15 Q. Is that the original one? Was the
16 original Connecticut wrapper grown somewhere else?

17 A. No, Connecticut itself.

18 Q. What you're saying is the Connecticut
19 wrapper that you specify for the Havana Sunrise is
20 grown in Ecuador now?

21 A. Correct.

22 Q. And for the filler, how do you order that
23 from your supplier? How do you tell them what kind of
24 tobacco you want?

25 A. Basically, these different -- I want these

1 different leaves. Different custom plants, okay, give
2 different tastes, also.

3 Q. And like you specify for the wrapper,
4 Connecticut wrapper, how would you specify the leaves
5 for the filler?

6 A. I would tell them that I would want the
7 binder, for example, from another growing region in
8 Honduras for Jalapa. That's for the binder.

9 Q. Okay, for the binder.
10 The binder would be Jalapa, but the
11 filler?

12 A. The filler, I usually order from Havana
13 seed grown in Jalapa and Estli.

14 Q. And have you ever ordered Cuban-seed
15 tobacco?

16 A. It is one and the same, basically, Cuban
17 seed and Havana seed to the manufacturer.

18 Q. In your mind, Cuban-seed tobacco and
19 Havana-seed tobacco mean the same thing?

20 A. Absolutely.

21 Q. If you could not use the word "Havana-seed
22 tobacco" or "Cuban-seed tobacco," what other way would
23 you use to convey the type of tobacco leaf that you
24 want to put in that product?

25 MR. GOLDSTEIN: Object to the question.

1 MR. SANCHELIMA: Basis?

2 MR. GOLDSTEIN: What?

3 MR. SANCHELIMA: What is the basis?

4 MR. GOLDSTEIN: It has nothing to do with
5 any issue in this case.

6 MR. SANCHELIMA: All right.

7 THE WITNESS: I don't know how to say it
8 by any other name.

9 BY MR. SANCHELIMA:

10 Q. Are the Havana Sunrise cigars that you
11 sell marketed in the United States?

12 A. Yes, it is.

13 Q. Do you promote the brand Havana Sunrise in
14 the United States?

15 A. Yes. It is on some Web pages.

16 Q. Do you attend any trade shows?

17 A. Yes, I do.

18 Q. What trade shows do you attend?

19 A. Retail Tobacco Dealers of America. We
20 changed the name now to International Premium Pipe and
21 Cigar, I think it is if I'm not mistaken. They changed
22 the name from RTDA.

23 Q. Any others?

24 A. No, that's basically...

25 Q. In addition to your web page advertising,

1 do you have any other advertising for Havana Sunrise?

2 A. No.

3 Q. Do you have prices, a price list?

4 A. Yes.

5 Q. Do you distribute the price list?

6 A. Yes.

7 Q. Approximately, what are the sales of
8 Havana Sunrise in terms of number of cigars? You don't
9 have to disclose the amount of sales.

10 A. Yearly, monthly?

11 Q. Either way. Yearly?

12 A. I would say between 150- to 200,000
13 cigars.

14 Q. Per year?

15 A. Yes.

16 Q. Are the cigars locally available here in
17 the Miami area?

18 A. I have it here. And there are some
19 retailers that have it.

20 Q. Who are the retailers that have it?

21 A. Navarro here in Coral Gables. Miami
22 Lakes, Oliveros or Havana something, Havana Cuba Cigar,
23 something like that is the name of it.

24 There is another fellow on U.S. 1 and
25 144th, Leo.

1 And some people go to my warehouse and
2 they sell it at different retailers for me, also.

3 Q. Do you also sell out of state?

4 A. Yes.

5 Q. Do you claim exclusive rights over the
6 word "Havana" for cigars?

7 A. You can't.

8 Q. Do you or your company, Inter America
9 Cigar, claim to be the exclusive owner of the word
10 "Havana" in connection with cigars?

11 A. No.

12 Q. Do you know of any other company that also
13 markets brands that include the word "Havana" or
14 "Habana" as part of their trademark?

15 A. Absolutely, yes.

16 Q. Could you tell us what brands are these?

17 A. Off my head, we have Havana Honeys, Havana
18 Sunrise, Havana Sun Grown, eight or nine of them. I
19 can't recall all of them.

20 And there is also El Rico, Habano. And we
21 have Habana Gold with a "b".

22 Off the top of my head, that's it. But
23 there is a few more.

24 Q. Did you say, "Habana Real"?

25 A. Havana Real is another one I didn't

1 recall.

2 Q. Do you know of a brand by the name of
3 "Havana Reserve Don Lino"?

4 MR. GOLDSTEIN: Object to leading the
5 witness.

6 BY MR. SANCHELIMA:

7 Q. Do you know the brand, "Havana Reserve Don
8 Lino?

9 MR. GOLDSTEIN: Objection. Leading.

10 THE WITNESS: I have heard of it, yes.

11 BY MR. SANCHELIMA:

12 Q. All right.

13 With the exception of this last one, the
14 other ones that you mentioned, do you know for a
15 fact -- do you have personal knowledge that those
16 brands are being sold in the U.S. market today?

17 A. Yes.

18 MR. SANCHELIMA: I have no further
19 questions.

20 CROSS-EXAMINATION

21

22 BY MR. GOLDSTEIN:

23 Q. Mr. Gomez, how long have you known William
24 Bock?

25 A. I met him for the first time at least 20

1 years ago, at least.

2 Q. You both have your cigar businesses here
3 in Miami?

4 A. I have it in Miami.

5 Q. And he's in Miami, also?

6 A. Not Miami, local Miami.

7 Q. Some other Miami?

8 A. Yes. Well, we have different towns here.

9 Q. Do you know where he's located?

10 A. I think he's located in Opa-locka, if I'm
11 not mistaken.

12 Q. Is that in Florida?

13 A. Just north.

14 Q. And you know him through the cigar
15 business; is that correct?

16 A. Correct.

17 Q. And you met him at RTDA?

18 A. Yes.

19 Q. When did he contact you to testify here?

20 A. He didn't contact me.

21 Q. He never contacted you?

22 A. Not him.

23 Q. Who contacted you?

24 A. The attorney.

25 Q. When did the attorney contact you?

1 A. I think it was a week or two ago. I'm not
2 certain.

3 Q. Do you know what date?

4 A. No. I can't recall the date.

5 Q. What did the attorney ask you? When I say
6 the attorney, Mr. Sanchelima.

7 A. Yes, sir.

8 Q. What did he ask you?

9 A. If I could come and testify regarding my
10 brands and how I get the names.

11 Q. Anything else?

12 A. That's about it.

13 Q. And you said you would?

14 A. Sir?

15 Q. You said you would?

16 A. Yes.

17 Q. Did you meet with him other than the phone
18 call?

19 A. No.

20 Q. You never met with him about this?

21 A. No.

22 Q. Has he ever, Mr. Sanchelima, or his law
23 firm, ever represented you or Inter America?

24 A. Yes.

25 Q. In what?

1 A. Havana Sunrise.

2 Q. He was your attorney for the application
3 for Havana Sunrise?

4 A. He was not my attorney at that point, but
5 he was involved with something that -- two partners and
6 the brand name, something.

7 MR. SANCHELIMA: I have to interject here,
8 Because I was opposite counsel. I was on the
9 Opposite side of the Sunrise one.

10 MR. GOLDSTEIN: I'm not going to ask any
11 attorney client privilege. All I want to know, has Mr.
12 Sanchelima's firm --

13 MR. SANCHELIMA: Just that the witness is
14 confused. I was in the opposite side, in the
15 opposition that he is referring to in connection with
16 Sunrise.

17 BY MR. GOLDSTEIN:

18 Q. In any other matters unrelated to Havana
19 Sunrise has Mr. Sanchelima's firm represented you or
20 your company?

21 A. Yes.

22 Q. In relation to what?

23 A. Trademark.

24 Q. Which mark?

25 A. Primo del Cristo.

1 Q. That's it?

2 A. That's it.

3 Q. That was to get the application work for
4 you or was there a dispute?

5 A. Yes, he did the application for me.

6 Q. Anything else?

7 A. No.

8 Q. Did you speak to an attorney before you
9 came here today?

10 A. No.

11 Q. Is it Inter America or Inter American?

12 A. Inter America.

13 Q. Inter America Cigar Company, that's a
14 distributor?

15 A. Importer.

16 Q. You're not a retailer?

17 A. No.

18 Q. You don't sell to individual customers?

19 A. Yes, I do.

20 Q. Where?

21 A. At my warehouse.

22 Q. They come to your warehouse house to buy
23 cigars? They come and buy a few boxes?

24 A. Yes.

25 Q. Other than that you don't have stores that

1 people walk in?

2 A. I don't have stores, no.

3 Q. What percentage of your sales in terms of
4 cigars are Havana Sunrise?

5 A. A good 70, 60 percent.

6 Q. 60 or 70 percent, Havana Sunrise?

7 A. Yes.

8 Q. And all those other marks you have
9 mentioned are 30 to 40 percent?

10 A. Yes, plain bundles and I sell those over
11 here.

12 Q. And you mentioned you have an Hoja de
13 Honduras?

14 A. Yes.

15 Q. And that's made in Honduras?

16 A. Yes.

17 Q. You have Premier Honduras?

18 A. Yes.

19 Q. And you have Premier Nicaragua?

20 A. Yes.

21 Q. That's made in Nicaragua?

22 A. Yes.

23 Q. Estrella Honduras?

24 A. Yes.

25 Q. That's made in Honduras?

1 A. Yes.

2 Q. Where is your warehouse?

3 A. 1876 Northwest 21st Terrace Miami,
4 Florida, 33042.

5 Q. And approximately how many employees do
6 you have there?

7 A. Three.

8 Q. And you said you started selling -- Inter
9 America started selling Havana Sunrise about five years
10 ago?

11 A. Yes.

12 Q. You think you started selling in 2002,
13 2003?

14 A. Yes.

15 Q. Does that sound; right?

16 A. Yes.

17 Q. Before you was anybody else selling a
18 Havana Sunrise cigar?

19 A. Yes.

20 Q. Who is that?

21 A. A company called Pyramid Cigar.

22 Q. Were they in Florida?

23 A. Yes.

24 Q. Who was the principal of that?

25 A. Excuse me.

1 Q. The main person or the people associated
2 with that company?

3 A. Carlos Beltran.

4 Q. And do you know someone by the name of
5 Pedro Bello?

6 A. Yes, they were partners.

7 Q. They were partners?

8 A. Yes, I was going to mention that after
9 Carlos or before Carlos was Havana Sunrise Cigar
10 Company they were partners.

11 Q. In terms of individuals close to the
12 company, Carlos Beltran and Pedro Bello, their company
13 were selling Havana Sunrise before you?

14 A. Yes.

15 Q. That's what the legal dispute was about?

16 A. Yes, the trademark ownership.

17 Q. Do you know when they started selling?

18 A. '96, '97.

19 Q. Prior to 2002, 2003, did you previously
20 sell Havana Sunrise?

21 A. Yes.

22 Q. What time period did you do that?

23 A. '98, '99.

24 Q. And then you stopped?

25 A. Yes. They closed out.

1 Q. You started again in 2003, 2002, 2003?

2 A. Yes.

3 Q. Were you part of team, Carlos Beltran,
4 Pedro Bello? Were you selling another Havana Sunrise?
5 In other words, were you guys together selling Havana
6 Sunrise?

7 A. No.

8 Q. They were selling Havana Sunrise and you
9 were selling Havana Sunrise?

10 A. Pedro Bello was selling Havana Sunrise.
11 Carlos Beltran was the one that assigned me the rights
12 of Havana Sunrise from Pyramid Cigar.

13 Q. Were there two different Havana Sunrises
14 in the market at the same time?

15 A. Yes, there was.

16 Q. So there was Pedro Bello's Havana Sunrise
17 in the market in the late nineties; is that correct?

18 A. Yes.

19 Q. And there was Inter America's Havana
20 Sunrise?

21 A. Yes.

22 Q. Also in the market in the late 90's?

23 A. Yes.

24 Q. Do you know when Pedro Bello stopped
25 selling his Havana Sunrise?

1 A. When he lost the case or forfeit. I don't
2 know how you say it.

3 Legally, we had a mediation. They never
4 came through with the agreement. So what is the --
5 they lost the trademark.

6 Q. Do you know when he stopped selling?
7 I have seen the documents as to what the settlement
8 terms were and when that took place, but, actually,
9 selling the mark, selling the brand, do you know when
10 that stopped?

11 A. Pedro Bello?

12 Q. Yes.

13 A. I have no idea.

14 Q. And you sold '98 '99 and you started up
15 again sometime 2002, 2003?

16 A. Correct.

17 Q. Is the blend that you sell now, the same
18 as the blend you started with in '02 and '03?

19 A. Yes.

20 Q. You kept the same cigar?

21 A. Yes.

22 Q. Is it the same blend up sold in '02?

23 A. Yes. Beltran, when he was doing it, he
24 did the same blend that they were doing when they were
25 manufacturing here locally.

1 Q. And the cigar you're selling now is the
2 same blend as that?

3 A. Correct, only made in Honduras.

4 Q. Who makes the cigar in Honduras?

5 A. Nestor Plasencia.

6 Q. You buy finished cigars from Mr.
7 Plasencia?

8 A. yes.

9 Q. Earlier when Mr. Sanchelima was asking you
10 about the blend, you order the blend or does Mr.
11 Plasencia decide what goes in the cigars and you say,
12 yes, I like taste.

13 MR. SANCHELIMA: Objection, compound.

14 A. No, because when I come out with a brand I
15 know what taste I want. So I go down there directly
16 and I start testing different leaves, get a roller. I
17 get a roller, put them down and try different ones
18 until I get the taste I want.

19 Q. You did that with Havana Sunrise?

20 A. Correct, with Mr. Beltran.

21 Q. Back in '88, '89?

22 A. Right, when I owned it to match the same
23 blend.

24 Q. The tobacco is grown back in '88, '99, and
25 the tobacco was shipped to the U.S. and the tobacco was

1 rolled here?

2 A. When.

3 Q. I thought you said the cigars were made
4 here in Miami?

5 A. In the beginning.

6 Q. '88, '89?

7 A. I'm not sure if that's the case, but they
8 were first made here. And I started importing once I
9 owned the brand.

10 Q. In the earlier period before you owned the
11 brand the tobacco was imported and the cigars were
12 rolled here?

13 A. Yes.

14 Q. And the cigars you referred to, you
15 mentioned the filler comes from Cuban seed; is that
16 correct?

17 A. Yes.

18 Q. And you said that's seed that came from
19 Cuba back in the day, I think were your exact words.

20 MR. SANCHELIMA: Objection, compound.

21 THE WITNESS: I don't understand your
22 question exactly.

23 BY MR. GOLDSTEIN:

24 Q. You said that the seed came from Cuba
25 "back in the day." That's your words.

1 A. Okay.

2 Q. When was "back in the day"?

3 A. Well, I can't give you an exact year, but
4 whenever they did start growing in other countries,
5 they managed to get the seeds to other countries.

6 They didn't have the embargo we did, so
7 whenever they went to Honduras, Nicaragua, Dominican.

8 Q. You don't know when that was?

9 A. No. I imagine after the '61, '62, after
10 the revolution.

11 Q. And, also, I was a little confused whether
12 you do advertising on your Web page or whether you were
13 saying distributors?

14 A. Distributors do them.

15 Q. They do some advertising on their Web
16 page?

17 A. Yes.

18 Q. And you tell them what to say?

19 A. No.

20 Q. You sell the Havana Sunrise in wooden
21 boxes?

22 A. Yes, sir.

23 Q. And on the wooden boxes, what do you say
24 for country of origin? Is it Honduras or Nicaragua?

25 A. Honduras.

1 Q. Do you say, "Cuban seed" anywhere on the
2 boxes?

3 A. No, I do not.

4 Q. Do you say, "Havana seed" anywhere on the
5 boxes?

6 A. No, I do not.

7 Q. Do you describe the taste as a particular
8 taste, flavor, strength?

9 A. Yes.

10 Q. And what is that?

11 A. It is full-bodied, strong taste.

12 Q. Do you list your cigar with Perelman's
13 Pocket Cyclopedia, or is it listed there?

14 A. What?

15 Q. Is your cigar, Havana Sunrise, listed in
16 Perelman's Pocket Cyclopedia?

17 A. I do believe so.

18 Q. Do you know where he gets the information
19 for the Havana Sunrise?

20 A. Well, at the trade shows...

21 Q. Who provides him with that; do you know?

22 A. Each individual owner.

23 Q. Do you provide him with the information?

24 A. Absolutely.

25 MR. GOLDSTEIN: Why don't we mark this as

1 Gomez Cross 1.

2 (Thereupon, Gomez Cross-Exhibit No. 1 is
3 marked for identification.)

4 BY MR. GOLDSTEIN:

5 Q. (Handing.) Let me show you what I've
6 marked as Gomez Cross-1, which is excerpts from
7 Perelman's Pocket Cyclopedia of Cigars, 2005 Edition.

8 And if you would take a look at that. I
9 have a cover page and the copyright pages, and then a
10 listing for Havana Sunrise.

11 A. (Witness complies with request.)

12 Q. Are you familiar with the Perelman's
13 Pocket Cyclopedia?

14 A. Yes, sir.

15 Q. Do you own a copy?

16 A. Yes.

17 Q. Do you list any of your other brands, or
18 are any of your other brands listed?

19 A. Okay.

20 Q. In here it says, "Havana Sunrise by Carlos
21 Beltran."

22 And it describes your cigar as, "a mild-
23 to medium blend introduced 2004, featuring an
24 Ecuadorian-grown, Connecticut shade-grown wrapper.
25 It's available in all-cedar boxes of 25."

1 Do you see that?

2 A. Uhm-hmm.

3 Q. Is that based on information you provided
4 to Perelman's Company or Perelman?

5 A. No.

6 Q. Do you know where this comes from?

7 A. From whomever wrote the article. I didn't
8 do this.

9 Q. But, do you know where the information
10 came from?

11 A. Maybe from Perelman himself.

12 Q. Is this describing your cigar?

13 A. No.

14 Q. Whose cigar is it?

15 A. Carlos Beltran.

16 Q. Is he selling a Havana Sunrise?

17 A. No. He's not even in the business.

18 Q. Did you check your marks and your brands
19 in Perelman when it came out?

20 A. No, I have not.

21 Q. Was the prior cigar a mild- to medium
22 blend?

23 MR. SANCHELIMA: Objection.

24 BY MR. GOLDSTEIN:

25 Q. You had said that these cigars were rolled

1 in the United States?

2 A. Back then. This is all from back then.

3 Q. This is the old information?

4 A. Yes, 2005, from Perelman. Carlos Beltran
5 no longer exists in the industry.

6 Q. You said you started your new cigar 2002,
7 2003?

8 A. Yes.

9 Q. This is from 2005.

10 A. Okay. But, Carlos Beltran does not have
11 anything to do with this.

12 Q. And I'm asking you if this is the cigar
13 that was rolled in 1998, 1999?

14 A. What is?

15 MR. SANCHELIMA: Objection.

16 MR. GOLDSTEIN: The description of a cigar
17 here; he has the wrapper, the binder, the
18 filler, where it's handmade, and a description.

19 And I'm asking him if he knows whether
20 that is describing the prior cigar?

21 THE WITNESS: That's Mr. Beltran's
22 description when he was having it made in the
23 Dominican Republic.

24 BY MR. GOLDSTEIN:

25 Q. Do you know when he was having it made in

1 the Dominican Republic?

2 A. Eventually by what it says here, 2005, but
3 it wasn't being made there.

4 Q. So, I guess my question is: Do you
5 believe this information is wrong, or do you believe
6 it's describing a different Havana Sunrise?

7 A. I believe this information here is
8 outdated.

9 Q. Do you know when it would have been
10 considered current information?

11 A. I wasn't even aware that was there.

12 Q. Where were you born?

13 A. United States; Jackson Memorial Hospital.

14 Q. Is your family originally from Cuba?

15 A. Yes.

16 Q. When did your family leave Cuba?

17 A. '61.

18 Q. Was your family in the cigar business in
19 Cuba?

20 A. Yes.

21 Q. Were they growers or were they
22 manufacturers?

23 A. They were distributors.

24 Q. Did they own brands in Cuba?

25 A. I can't recall.

1 Q. Were you told prior to agreeing to testify
2 that the Opposer was a Cuban Cigar Company --

3 A. No.

4 Q. -- that my client is a Cuban Cigar
5 Company?

6 A. No.

7 Q. Did you know, until I just said it, that I
8 represent the Cuban Cigar Company?

9 A. No. I noticed it when I received a FAX
10 saying that I had to testify today.

11 Q. Is that the first time you understood that
12 the party opposing was a Cuban Cigar Company?

13 A. Yes.

14 Q. You had heard of Habanos, S.A.?

15 A. Yes.

16 Q. And, is it your understanding that Habanos
17 S.A. is owned in part by the Cuban government, or do
18 you have any understanding about that?

19 A. Yes.

20 Q. What is that?

21 A. What is what?

22 Q. I'm sorry. You're understanding that --

23 A. Yes, I understand.

24 MR. SANCHELIMA: I'm going to object.

25 It's going beyond the direct examination of this

1 witness and there is no cross notice.

2 MR. GOLDSTEIN: Well, I think considering
3 you sprung him on me, I have a little leeway
4 here, but you can make your objections.

5 BY MR. GOLDSTEIN:

6 Q. Do you play any role in the growing or
7 manufacturing of any of William Bock's cigars?

8 A. No.

9 Q. Do you have any information about what the
10 blend for his proposed Havana Club cigar is?

11 A. No.

12 Q. Do you have any information about the
13 Cuban seed that Mr. Bock is going to use in his Havana
14 Club cigars?

15 MR. SANCHELIMA: Objection. Presupposes.
16 There is no foundation for that question.

17 THE WITNESS: Repeat the question.

18 BY MR. GOLDSTEIN:

19 Q. Do you have any information about the
20 Cuban seed that Mr. Bock intends to use?

21 A. Absolutely not.

22 Q. Are you aware of a rum called -- from
23 Cuba, called Havana Club?

24 A. I have heard of it, yes.

25 Q. Have you seen it when you've traveled

1 outside of the United States?

2 A. I have seen it here.

3 Q. Seen it in the United States?

4 A. Yes.

5 Q. A Cuban rum product?

6 A. No. I have seen Havana Club sold here.

7 Q. Have you seen it sold in foreign

8 countries?

9 A. I don't go looking for it, really.

10 Q. Do you do any advertising of the Havana

11 Sunrise mark of your own?

12 A. I said that -- I answered that question

13 earlier. No.

14 (Thereupon, Gomez Cross-Exhibit No. 2 is
15 marked for identification.)

16 BY MR. GOLDSTEIN:

17 Q. (Handing.) Let me show you what we've
18 marked as Gomez Cross-Exhibit 2.

19 And I'm showing you a printout from a Web
20 site "Premium & Everyday Cigars at Discount Prices"
21 from "cigar5packs.com."

22 And, is this one of your retailers?

23 A. My distributor. One of my distributors.

24 Q. Is that your box that's being shown in
25 that image?

1 A. Yes.

2 Q. And it says -- do you see the text there?

3 "Havana Sunrise Cigars. This cigar boom
4 brand was once very well known. Well it's back and
5 better than ever. These cigars are now made in
6 Honduras using 100 percent long leaf tobaccos." You
7 see that?

8 A. Yes.

9 Q. If you look down there under the body, it
10 says, "mild-medium."

11 A. Yes.

12 Q. Is that how you characterize your cigars
13 to your distributors?

14 A. Mild-medium.

15 Q. What is that?

16 A. Yes, but, as I said, it's more full-body.

17 Q. I'm just showing you. This says,
18 "mild-medium," and I'm asking you if that's how you --
19 do you promote that to your distributors as a mild to-
20 medium cigar?

21 A. I consider it not harsh. I don't know
22 what -- how you say between medium-mild and
23 full-strength, because there are real strong cigars,
24 milder cigars. I consider it a full-bodied cigar.

25 Q. Have you ever asked this distributor to

1 change its description?

2 A. No.

3 Q. What is the coat of arms in your label on
4 the box? In the box, there is, on the right-hand and
5 left-hand side, there's what looks like a coat of arms.

6 What is that? Is it just a drawing?

7 A. It's a Cuban shield.

8 Q. Have you ever seen a distributor on its
9 Web pages or in a catalog describe your cigars as made
10 from Cuban seed?

11 A. No.

12 Q. Does Inter America sell any other tobacco
13 products under the Havana Sunrise brand name?

14 A. We sell Havana Sunrise under Havana
15 Sunrise.

16 Q. You sell cigars?

17 A. Yes.

18 Q. You sell any other tobacco products;
19 cigarettes, pipe tobacco, chewing tobacco?

20 A. No.

21 Q. Do you sell any non-tobacco products, like
22 tobacco accessories with the Havana Sunrise brand?

23 A. No.

24 Q. Have you ever done that?

25 A. No.

1 Q. You don't sell humidors, match books,
2 cigar cutters?

3 A. No.

4 Q. The cigar that Pedro Bello sold; do you
5 know what that was made from, what that blend was?

6 A. Exactly what Pedro Bello sold? No.

7 Q. Did you ever smoke his cigars, you know,
8 his Havana Sunrise cigar?

9 A. Back then, I had a few, yes.

10 Q. Do you recall how you would characterize
11 them?

12 A. It was a good cigar.

13 Q. Was it full-bodied, mild, medium?

14 A. It was a good cigar.

15 Q. Nothing further?

16 A. It's a good cigar.

17 Q. But you don't have -- I know some people
18 like your advertising earlier referred to cigars as
19 full-bodied, medium-bodied, mild-bodied.

20 A. A good cigar.

21 Q. Okay.

22 Do you know where his cigar, Pedro Bello's
23 cigar, was manufactured?

24 A. I have no idea.

25 Q. Do you have any idea what tobacco blends

1 were used in it?

2 A. I already answered that, no.

3 I have no idea what he did with it.

4 Q. Do you have any idea if he used Cuban seed
5 or Havana seed in that cigar?

6 MR. SANCHELIMA: Objection. Asked and
7 answered.

8 THE WITNESS: Only he can answer that
9 question.

10 BY MR. GOLDSTEIN:

11 Q. At some point there was a dispute, I guess
12 involving you, Mr. Beltran, the companies -- Mr. Bello,
13 as to who had the ownership of Havana Sunrise, of the
14 mark, that both of -- application to the USPTO and the
15 rights to use the mark in the U.S. market; is that
16 correct?

17 A. Yes, sir.

18 Q. And it wound up being fought over both in
19 the USPTO and also there was a court litigation; is
20 that right?

21 Do you recall that there was two different
22 fights going on?

23 A. We mediated. It was the same thing, in my
24 opinion.

25 Q. There were two different forums, but there

1 was one fight; is that what you...

2 A. I don't understand what you're asking.

3 Q. There's papers showing that it was being
4 fought over at the patent office.

5 A. Well, attorney came to me -- attorney came
6 to him and I had rights on one side. He said he had
7 rights on the other, and...

8 Q. Eventually, it was resolved and at the end
9 of the day you wound up with both the registration and
10 the use of the mark; is that right?

11 A. Right.

12 Q. Okay. Pedro Bello, you understood, had an
13 application in to register Havana Sunrise?

14 A. Yes.

15 Q. And you wound up taking over that
16 registration -- or that application, and that mark then
17 became registered and it became registered to you; do
18 you recall that?

19 A. I don't recall all that off my head.

20 Q. Do you recall that his rights in the
21 application were assigned to you?

22 A. Yes.

23 Q. And that the mark, after you got that
24 assignment, then the mark was registered; do you recall
25 that, the registration issued about three years ago?

1 A. Correct.

2 Q. Did you review any of the documents that
3 Mr. Bello had filed with the PTO in connection with his
4 application to register the mark?

5 A. No.

6 Q. Do you have any knowledge that the PTO
7 originally refused to register the mark on the grounds
8 that Havana Sunrise was geographically deceptive,
9 because it referred to Havana?

10 A. No.

11 Q. Do you have any knowledge of a response
12 made by his lawyers --

13 A. It's his lawyer. I'm sorry.

14 Q. Okay.

15 I'm just asking.

16 -- that Havana referred to "Little Havana"
17 and not "Havana, Cuba"?

18 A. I have no idea with personal or in his
19 relationship with Pedro Bello and his company.

20 Q. Do you have any knowledge that at some
21 point his attorney at that time, Mr. Sanchelima, told
22 the PTO that the mark was made from Cuban-seed tobacco?

23 A. I didn't read any of those documents. I'm
24 not involved with that.

25 Q. When the mark was assigned to you, or at

1 the time it was assigned to you, did you engage in any
2 investigation to determine whether that representation
3 that the cigars were made from Cuban-seed tobacco was
4 truthful and accurate?

5 A. Repeat the question.

6 Q. At the time that his application was
7 assigned to you, did you undertake any investigation to
8 determine whether the statement to the PTO, the
9 trademark office, that the mark --

10 A. No.

11 Q. -- the cigar was made from Cuban-seed
12 tobacco --

13 MR. SANCHELIMA: Let him finish asking the
14 question, and then give me time for me to
15 object.

16 MR. GOLDSTEIN: -- was true and accurate?

17 MR. SANCHELIMA: I also object, because
18 it's assuming a fact not in evidence yet.

19 THE WITNESS: No.

20 BY MR. GOLDSTEIN:

21 Q. At some point the registration was issued
22 to your company, Inter America, for Havana Sunrise;
23 correct?

24 A. Yes.

25 Q. And prior to it issuing, you provided the

1 PTO, the trademark office, with a statement that you
2 were using the mark; do you recall that?

3 A. Yes.

4 (Thereupon, Gomez Cross-Exhibit No. 3 is
5 marked for identification.)

6 BY MR. GOLDSTEIN:

7 Q. (Handing.) I'm showing you what on the
8 top says, "Statement of Use Filing." Do you see that?

9 A. Uhm-hmm.

10 Q. And it refers to the mark, "Havana
11 Sunrise," if you go down a few lines.

12 A. Where?

13 Q. Like about the fifth line, it's says,
14 "Mark, Havana Sunrise".

15 A. Uhm-hmm.

16 Q. And then farther down, "Signatory File;
17 Signatory Name, Benjamin Gomez, Jr.; Signatory
18 Position, President, Date signed, July 21, 2004.

19 Do you see that?

20 A. Yes.

21 Q. If you turn to the third page, you see a
22 band. Is that the cigar band, or is that a label for
23 the box?

24 A. That's the cigar band itself there.

25 Q. And then on the fourth page, there is a

1 declaration and a date, "July 21, 2004," and a
2 signature.

3 Is that your signature?

4 A. Yes, it is.

5 Q. Do you personally have any knowledge of
6 whether the tobacco that is grown for your Havana
7 Sunrise cigars is descended from seeds that came from
8 Cuba other than what your growers tell you?

9 A. That is correct.

10 Q. The only knowledge you have is what your
11 growers tell you?

12 A. And what I request.

13 Q. The information they provide you?

14 A. Correct.

15 Q. Do you have any information on where the
16 seeds originally came from in Cuba --

17 A. No.

18 Q. -- or what variety of tobacco?

19 A. No.

20 Q. And your testimony is, you never reviewed
21 the Pedro Bello trademark documents that he had filed
22 with the --

23 A. No.

24 Q. And I take it from your description of the
25 litigation that you -- did you, yourself, review the

1 papers that were being filed by the attorneys in the
2 cases in the disputes?

3 A. Yes.

4 (Thereupon, Gomez Cross-Exhibit No. 4 is
5 marked for identification.)

6 BY MR. GOLDSTEIN:

7 Q. (Handing.) I'm showing you, Mr. Gomez,
8 what I've marked as Gomez Cross 4. And the first page
9 is the Opposer's Notice of Withdrawal of it's
10 Opposition.

11 And if you go through it, you will see
12 that there is a settlement agreement and there's a
13 signature, a bunch of signatures at the end, on the
14 second to last page.

15 The first thing I'd ask you is: The page
16 that's numbered Page 3, under "Inter America Cigar
17 Company, Benjamin Gomez, Jr.," is that your signature?

18 A. Yes, it is.

19 Q. And you recall, even if you don't recall
20 every word, but feel that there was some agreement
21 entered into by all these parties to the dispute over
22 the mark?

23 A. Correct.

24 Q. And was the deal set up so that actually
25 they would pay you and they would keep the mark, but if

1 they failed to make payment you would get the mark; do
2 you recall that?

3 A. There was three situations placed. I buy
4 for 250 or they sell -- or they buy me -- I buy from
5 them 250,000 or they buy from me 150 or give them
6 rights to sell the brand.

7 Q. They wound up not paying you and --

8 A. Correct.

9 Q. -- and therefore the brand essentially
10 passed to you; is that correct?

11 A. Correct.

12 (Thereupon, Gomez Cross-Exhibit No. 5 is
13 marked for identification.)

14 (Thereupon, a short recess.)

15 BY MR. GOLDSTEIN:

16 Q. (Handing.) I'm showing you what we've
17 marked as Gomez Exhibit 5, Cross-Exhibit 5, which is
18 printouts from the PTO Web site concerning the Havana
19 Sunrise mark including office actions, the application
20 and responses to the office action.

21 And if you would look just at the first
22 page, that's the mark we've been talking about,
23 correct, Havana Sunrise, registrant is Inter America
24 Cigar Company?

25 A. Yes.

1 Q. If you look about 5 or 6 pages in, it
2 says, "Trademark Assignment Abstract of Title."

3 A. (Witness complies with request.)

4 Q. And if you look at that, that's what we
5 have been talking about. For the lawyers, that shows
6 that Pedro Bello has assigned his interest in the mark,
7 Havana Sunrise, to Inter America Cigar Company. Do you
8 see that?

9 A. Yes.

10 Q. And the date of the assignment is November
11 4th, 2003. Do you recall that, about that time?

12 A. Yes.

13 Q. And do you recall if you reintroduced the
14 Havana Sunrise cigar after the assignment?

15 MR. SANCHELIMA: Objection. Vague.

16 THE WITNESS: No.

17 BY MR. GOLDSTEIN:

18 Q. You don't recall or you think you did it
19 before, you introduced it before?

20 A. I don't recall.

21 MR. SANCHELIMA: Same objection. What's
22 the word, "introduced"?

23 BY MR. GOLDSTEIN:

24 Q. You had sold -- Carlos Beltran had sold
25 the Havana Sunrise cigar and then had stopped and you

1 had applied for that either 2002 or 2003. You then,
2 Inter America, then began to sell a Havana Sunrise
3 cigar; correct?

4 A. Yes.

5 Q. And what I'm asking you is: Do you recall
6 if it was after the date of this assignment of the
7 mark, after November of 2003?

8 A. No, I don't recall.

9 Q. You don't recall if it was before or
10 after?

11 A. No.

12 Q. Okay.

13 And you had testified that you had not
14 reviewed the other documents, the office actions and
15 responses to office actions, things that were now from
16 the PTO and things that came back from Pedro Bello, you
17 had not reviewed those documents?

18 A. No, only what my attorney sent me.

19 Q. You had mentioned the Pyramid Cigar
20 Company, as well.

21 Do you recall that they had also applied
22 for this mark, Havana Sunrise, a separate application?

23 A. Yes.

24 Q. Do you recall what happened to that
25 application?

1 A. Yes, I do.

2 Q. What happened to that application?

3 A. It was assigned to Inter America cigars.

4 Q. Do you know what happened after the
5 assignment?

6 A. Yes. I went to litigation.

7 Q. After the assignment?

8 A. The assignment from Pyramid?

9 Q. To you, to Inter America.

10 A. Yes.

11 Q. And then you got involved in the
12 litigation?

13 A. Yes.

14 Q. And did that, Havana Sunrise mark, that
15 never went on to a registration, is that correct, that
16 application by Pyramid?

17 A. I do not know.

18 Q. Do you have any recollection of
19 registration of the Pyramid application being refused
20 on the ground that Havana Sunrise was geographically
21 deceptive, because it referred to Havana?

22 A. No.

23 Q. Do you have any recollection of the PTO
24 saying that you could amend to say the cigars were made
25 from Cuban seed to get the registration?

1 A. No.

2 Q. And do you have any recollection after
3 that of not responding to the PTO and the mark being
4 abandoned, the application being abandoned?

5 A. No. I don't know what application you're
6 talking about.

7 (Thereupon, Gomez Cross-Exhibit No. 6 is
8 marked for identification.)

9 BY MR. GOLDSTEIN:

10 Q. (Handing.) I'm showing you what we've
11 marked as Gomez Cross-Exhibit 6, and it shows on the
12 first page a Havana Sunrise mark, and it is a
13 different -- you will see it is a different serial
14 number than the one that's registered. And it says,
15 "Abandoned." And it shows the Applicant is your
16 company, Inter America.

17 Do you recall that there was both the
18 Pedro Bello mark application and the Pyramid Company
19 mark application?

20 A. Yes. When Beltran assigned me the right.

21 Q. And if you turn to about five pages in,
22 you will see that same type of page as we looked at,
23 "Trademark Assignment Abstract of Title."

24 A. Yes.

25 Q. And you'll see that the assignor, and

1 that's the person that owned it, previously Pyramid
2 Cigar Company, assigned it rights to you, to Inter
3 America; do you see that?

4 A. Yes.

5 Q. February 15th, 2001?

6 A. Yes.

7 Q. And then the litigation, that you said,
8 you went to disputing with the Pedro Bello side;
9 correct?

10 A. Yes.

11 Q. You don't have any recollection of the
12 office actions that followed in terms of refusing
13 registration on grounds of geographic deception and
14 anything about the Cuban seed and the abandonment; is
15 that correct?

16 A. No.

17 Q. The only people you sell directly to are
18 here in Miami, people come physically to your
19 warehouse? The only, you know, individual cigar
20 smokers that you deal with are people who come to your
21 warehouse in Miami?

22 A. Some come. And I have a store that I sell
23 to, as I stated earlier.

24 Q. You have distributors, your retailers that
25 you --

1 A. Retailers that sell in town.

2 Q. But individual customers that you sell to
3 directly, that's in your warehouse here in Miami?

4 A. Correct.

5 MR. GOLDSTEIN: I have no further
6 questions, subject to any response.

7 REDIRECT EXAMINATION

8 BY MR. SANCHELIMA:

9 Q. Mr. Gomez, I believe you testified that I
10 contacted you about a week ago to come to this
11 deposition. Was that an in-person contact, or was it
12 by phone?

13 A. Phone.

14 Q. Do you remember if anybody else was in the
15 conversation at that time?

16 A. I think somebody was there, yes.

17 Q. Well, who was that other person?

18 A. I think it was your legal aid.

19 Q. Okay.

20 A. And Bill Bock.

21 Q. That's when you were requested to see if
22 you would come to this deposition?

23 A. Yes.

24 Q. Were you paid anything to come here today?

25 A. No.

1 Q. Counsel has asked you a number of
2 questions about these applications, and particularly
3 the last one here in Gomez Cross-Exhibit 6.

4 From this time, from 1999 to the present,
5 do you know if Inter America or you had any intention
6 to abandon the rights to the mark of Havana Sunrise?

7 A. None at all.

8 MR. SANCHELIMA: No further questions.

9 MR. GOLDSTEIN: I'm done.

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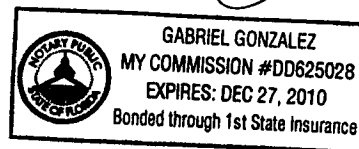
1 (Thereupon, the deposition was concluded.
2 Reading and signing were not waived.)
3

Benjamin Lopez
Deponent

4 Sworn to and Subscribed before me on this

5 11th day of December, 2007.
6

Gabriel Gonzalez
Notary Public



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December 7, 2007

Mr. Benjamin Gomez
1876 Northwest 21st Terrace
Miami, Florida 33042
Re: CORPORACION HABANOS V ANNCAS, INC.
_____Case_No.____No._91165519_____

Dear Mr. Gomez:

The transcript of your deposition in the above-styled cause is now ready for reading and signing by you.

A copy of the deposition has been furnished to Attorney Jesus Sanchelima. If you will telephone his office, you can make arrangements with him to read the deposition and make any necessary corrections on the attached errata sheet, stating the page and line number where the error occurred.

Thank you,

Robert H. Castillo,
Court Reporter

cc: Jesus Sanchelima, Esq.
David Goldstein, Esq.

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ERRATA_SHEET

The following are corrections to be made in my
attached deposition taken on November 14, 2007:

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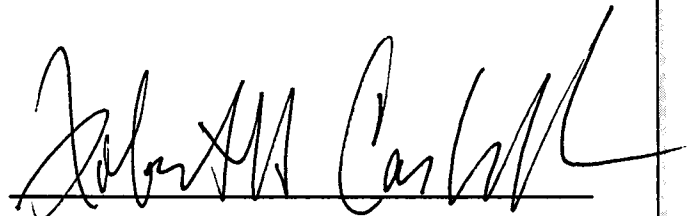
STATE OF FLORIDA:

COUNTY OF MIAMI-DADE:

I, ROBERT H. CASTILLO, RPR, certify that I was authorized to and did stenographically report the foregoing deposition taken on November 14, 2007, pages 1 to and including 50, and that the transcript is a true record of the testimony given by the witness, Benjamin Gomez, who was by me first duly sworn.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

WITNESS my hand and official seal this 7th day of December, 2007.

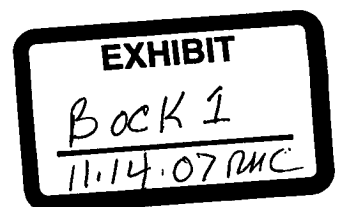
A handwritten signature in black ink, appearing to read "Robert H. Castillo", is written over a horizontal line.

ROBERT H. CASTILLO, RPR

RHC/



000001



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These search terms have been highlighted: **cuban seed tobacco grown outside cuba**

Page 1

CUBAN CIGAR UPDATE

Recent changes to the **Cuban** Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"), administered and enforced by the Office of Foreign Assets Control ("OFAC"), have prompted OFAC to revise the **Cuban** Cigar Update previously issued on June 19, 1998. This notice provides important information to the public on **Cuban-origin tobacco** products.

Importation of **Cuban**-Origin Cigars Into the United States

There is now an across the board ban on the importation into the United States of **Cuban**-origin cigars and other **Cuban**-origin **tobacco** products, as well as most other products of **Cuban** origin. This prohibition extends to such products acquired in **Cuba**, irrespective of whether a traveler is licensed by OFAC to engage in **Cuba** travel-related transactions, and to such products acquired in third countries by any U.S. traveler, including purchases at duty free shops. Importation of these **Cuban** goods is prohibited whether the goods are purchased directly by the importer or given to the importer as a gift. Similarly, the import ban extends to **Cuban**-origin **tobacco** products offered for sale over the Internet or through the catalog mail purchases. Prior to August 1, 2004, persons returning to the United States who were licensed under the Regulations to engage in **Cuba** travel-related transactions were authorized by general license to import up to \$100 worth of **Cuban** merchandise as accompanied baggage. **Cuban tobacco** and alcohol products were included in that general license. That general license was removed from the Regulations.

Transactions Involving **Cuban**-Origin Goods in Third Countries

The question is often asked whether United States citizens or permanent resident aliens of the United States may legally purchase **Cuban** origin goods, including **tobacco** and alcohol products, in a third country for personal use **outside** the United States. The answer is no. The

EXHIBIT

BOOK 2

11.14.07 RRR

Regulations prohibit persons subject to the jurisdiction of the United States from purchasing, transporting, importing, or otherwise dealing in or engaging in any transactions with respect to any merchandise **outside** the United States if such merchandise (1) is of **Cuban** origin; or (2) is or

Page 2

2

has been located in or transported from or through Cuba; or (3) is made or derived in whole or in part of any article which is the growth, produce or manufacture of Cuba. Thus, in the case of cigars, the prohibition extends to cigars manufactured in Cuba and sold in a third country and to cigars manufactured in a third country from **tobacco grown** in Cuba.

Cigars Produced from Cuban Tobacco Seed OFAC does not consider cigars produced from **tobacco grown** and harvested in a third country from **Cuban** seeds to constitute a growth or product of Cuba. Therefore, the Regulations do not prevent transactions or dealing in those products by persons subject to the jurisdiction of the United States, as long as there is no interest of Cuba or a **Cuban** national, direct or indirect, in the sale of such cigars.

Criminal penalties for violation of the Regulations range up to \$1,000,000 in fines for corporations, \$250,000 for individuals and up to 10 years in prison. Civil penalties of up to \$65,000 per violation may be imposed by OFAC.

Suspected embargo violations may be reported telephonically to OFAC's Enforcement Division at (202)622-2430 or via facsimile at 202 622-1657.

Date 09/30/2004

Cuban cigars; NeptuneCigar.com FAQ

Do not confuse with **Cuban seed cigars**, which are produced from tobacco grown and harvested in a third country from **Cuban seeds**. These are not considered ...

www.neptunecigar.com/faq/cigars.asp?a=4&q=30 - 28k - [Cached](#) - [Similar pages](#)



EXHIBIT

BoCK 3

11.14.07 MAC

25 CIGARS
HAND MADE IN NICARAGUA

PREMIUM
LONG
FILLER



HAND
MADE IN
NICARAGUA

American Stogies

American Stogies



BOXED
PRESSED
LONG FILLER

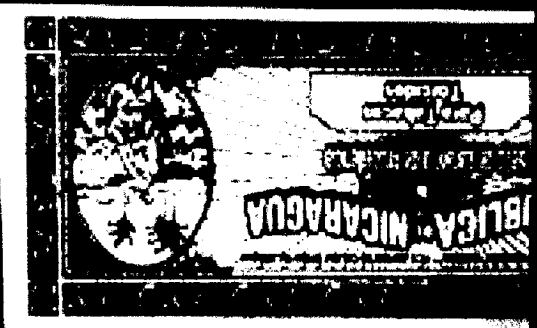
HAND
MADE IN
NICARAGUA

ROBUSTO

EXHIBIT

Box 4

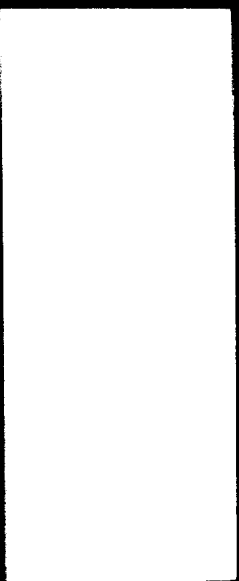
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American Stogies

AMERICAN STOGIES cigars are handmade exclusively from prized tobacco by us from Cuban seed on our farms in Nicaragua. Long filler leaves and flawless wrappers are selected by expert Cuban tobacco growers with generations of experience.

GREAT TOBACCO - HAND CRAFTSMANSHIP create a flavorful cigar of uncompromising quality. Smooth draw and rich aroma. Make AMERICAN STOGIES the finest handmade cigars available today for the true cigar connoisseur.



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3	78887653		HAVANA COLLECTION	TARR	LIVE
4	78662316		ONE-HAVANA-NIGHT	TARR	LIVE
5	78662313		HAVANANIGHTSHOW	TARR	LIVE
6	78662310		HAVANA NIGHT CLUB	TARR	LIVE
7	78662306		HAVANA NIGHT CLUB	TARR	LIVE
8	78610308	3219439	HAVANA NIGHT CLUB	TARR	LIVE
9	78737206		OLD HAVANA	TARR	LIVE
10	78928402		GHR GRAND HAVANA ROOM	TARR	LIVE
11	78774107		OLD HAVANA	TARR	LIVE
12	78634706		HAVANA CLASSICO	TARR	LIVE
13	78743951		HAVANA HONEYS	TARR	LIVE
14	78743946		HAVANA HONEYS	TARR	LIVE
15	78881515		HAVANA SKY	TARR	LIVE
16	78911203		GRAND HAVANA HOUSE OF CIGARS	TARR	LIVE
17	78929866	3251465	HAVANA BLUE	TARR	LIVE
18	78538391		SAN CRISTOBAL DE LA HABANA	TARR	LIVE
19	78737230		OLD HAVANA	TARR	LIVE
20	78513046	3230775	HAVANA CABANA	TARR	LIVE
21	78615880	3226089	HAVANA MOASSEL	TARR	LIVE
22	78977243	3143638	HAVANA JACK'S CAFE	TARR	LIVE
23	78969166		HAVANA YACHT CLUB	TARR	LIVE

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26	78575733	3143706	HAVANA GROUP CIGARS	TARR	LIVE
27	78768016		HAVANA DREAMS CIGAR FACTORY	TARR	LIVE
28	78639942	3093054	OLD HAVANA	TARR	LIVE
29	78688499		HAVANA NIGHTS	TARR	LIVE
30	78640027		CUP OF HAVANA	TARR	LIVE
31	78529419		HAVANA TROPICS	TARR	LIVE
32	78363024		HAVANA CLUB	TARR	LIVE
33	78352739		HAVANA HEROS	TARR	LIVE
34	78321764	3325601	HAVANA	TARR	LIVE
35	78465023		HAVANA HONEYS	TARR	LIVE
36	78465020		HAVANA HONEYS	TARR	LIVE
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39	78189563		HAVANA HOTEL & CASINO	TARR	LIVE
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43	78362348	2957140	HOJA DE HABANO	TARR	LIVE
44	78276643		HAVANA DAYDREAMIN	TARR	LIVE
45	78111976	3114773	H HAVANA	TARR	LIVE
46	78489844	3027973	BABY'S HAVANA ROAST	TARR	LIVE
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55	78122535	2705610	HAVANA	TARR	LIVE
56	78111982	2887974	HAVANA	TARR	LIVE
57	78052087	2588575	HAVANA BLOSSOM	TARR	LIVE
58	78051649	2594416	HAVANA BLOSSOM	TARR	LIVE
59	77058209		HAVANA COFFEE COMPANY	TARR	LIVE
60	77275119		HAVANA COSMIC	TARR	LIVE
61	77311462		ND'S HAVANA NIGHT SHOW	TARR	LIVE
62	77061214	3315832	HAVANA MANIA DELICIOUS CUBAN CUISINE	TARR	LIVE
63	77199291		HAVANA SPICE	TARR	LIVE
64	77975090		HAVANA JOE'S	TARR	LIVE
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72	77237190		HAVANA BARBERS	TARR	LIVE
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90	76605913	3223403	HAVANA CLASSIC LONG FILLER HAND MADE	TARR	LIVE
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94	76549547	2912374	H JOYA DE HAVANNA HAND MADE	TARR	LIVE
95	76474856	2892577	HAVANA CAFE DE CUBA PINAR DEL RIO HAVANA MATANZAS CIENFUEGOS SANTA CLARA CAMAGUEY HOLGUIN SANTIAGO DE CUBA GUANTANAMO	TARR	LIVE
96	76297283	2607378	HAVANA HONEYS	TARR	LIVE
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103	76622846	3044101	HAVANA 'S9	TARR	LIVE
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105	76021286	3032556	HAVANA TAN!	TARR	LIVE
106	76277020	2924482	HOJA DE HABANO	TARR	LIVE
107	76415482	2872267	MONSEÑOR DE LA HABANA	TARR	LIVE
108	76550696	3021467	K. HANSOTIA & CO. TOBACCO MERCHANTS HAVANA LEGEND 4421 SELECT PREMIUM TOBACCO	TARR	LIVE
109	76537772	2972115	PEQUENO HAVANA	TARR	LIVE
110	76536320	2890975	HAVANA BLEND	TARR	LIVE
111	76462857	2862054	HAVANA WATCH	TARR	LIVE
112	76299915	2573569	SIMPLY THE SWEETEST SMOKE THIS SIDE OF HAVANA	TARR	LIVE
113	76160675	2976572	OUR MAN IN HAVANA	TARR	LIVE
114	75509598	2396819	HAVANA DEE'S	TARR	LIVE
115	75509274	2401261	HAVANA DEE'S CIGAR LOUNGE	TARR	LIVE
116	75509249	2398985	HAVANA DEE'S CIGAR LOUNGE	TARR	LIVE
117	75509236	2398984	HAVANA DEE'S	TARR	LIVE
118	75525391	2488083	HAVANA NANA	TARR	LIVE
119	75927659	2622868	HAVANA JOE	TARR	LIVE
120	75882780	2589211	GAVINA GOURMET COFFEE SINCE 1870 OLD HAVANA ESPRESSO	TARR	LIVE
121	75649309		HAVANA	TARR	LIVE
122	75566369	2439869	SCHIMMELPENNINGCK CIGAR HAVANA	TARR	LIVE
123	75720955	2890630	HAVANAS AND BANANAS	TARR	LIVE

124	75751393		HAVANA CLUB	TARR	LIVE
125	75975412	2136048	HAVANA	TARR	LIVE
126	75885646	2490157	HAVANA GIRL	TARR	LIVE
127	75779705	2548553	HAVANA HONEYS	TARR	LIVE
128	75753734	2900059	HAVANA SUNRISE	TARR	LIVE
129	75620581	3015814	HAVANA PLANTATION	TARR	LIVE
130	75151320	2177837	HABANOS UNICOS DESDE 1492	TARR	LIVE
131	75010230		OLD HAVANA	TARR	LIVE
132	75295693	2435483	EXPERIENCE THE NIGHT HAVANA NIGHTS	TARR	LIVE
133	75295691	2433778	HAVANA NIGHTS CIGAR CO. J.A.	TARR	LIVE
134	75142788	2571691	HAVANA SWEETS	TARR	LIVE
135	75188496	2261833	HAVANA JEANS	TARR	LIVE
136	75327284	2380225	HAVANA RESERVE DON LINO	TARR	LIVE
137	75435116	2654620	HAVANA PLANTATION	TARR	LIVE
138	75435001	2957395	HAVANA LIBRE "THE TASTE OF FREEDOM"	TARR	LIVE
139	75409541		HAVANA CLUB	TARR	LIVE
140	75381742	2216771	OLD HAVANA	TARR	LIVE
141	75369237	2574011	ROYAL HAVANA	TARR	LIVE
142	75319581	2195303	EL RICO HABANO	TARR	LIVE
143	75291375	2187456	HAVANA GOLD	TARR	LIVE
144	75197565	2136893	HAVANA JOE	TARR	LIVE
145	74664680	2064411	GRAND HAVANA ROOM	TARR	LIVE
146	74667072	1978132	HABANERA	TARR	LIVE
147	74650678		RUM HAVANA CLUB RON HABANA CLUB ARECHABALA	TARR	LIVE
148	74437563	1941853	HAVANA	TARR	LIVE
149	74605140	2006961	HAVANA HEAT	TARR	LIVE
150	74454121	2178722	HAVANA COLA "THE ORIGINAL KEY LIME COLA!"	TARR	LIVE

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Current Search: S4: (live)[LD] AND (HAVANA)[COMB] docs: 168 doc: 972

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
151	74622833	2157806	BABY'S HAVANA ROAST	TARR	LIVE
152	74365176		GRAND HAVANA RUM	TARR	LIVE
153	74673898		HAVANA CLUB	TARR	LIVE
154	74572667		HAVANA CLUB	TARR	LIVE
155	74532347		LITTLE HAVANA	TARR	LIVE
156	74422100	1876700	HAVANA BAY COMPANY	TARR	LIVE
157	73023981	1031651	HAVANA CLUB	TARR	LIVE
158	73459744	1358381	HAVANA BLOSSOM FRESHER & TASTIER	TARR	LIVE
159	72153423	0756558	REPUBLICA DE CUBA CUBAN GOVERNMENT'S WARRANTY FOR CIGAARS EXPORTED FROM HAVANA SELLO DE GARANTIA NACIONAL DE PROCEDENCIA PARA TABACOS	TARR	LIVE

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260 7378
306043



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Current Search: S9: (live)[LD] AND (habana)[COMB] docs: 32 occ: 125

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78911540	3329329	LA GIRALDILLA LA HABANA CUBA	TARR	LIVE
2	78538391		SAN CRISTOBAL DE LA HABANA	TARR	LIVE
3	78860774	3236723	HABANA ECO-EATERY	TARR	LIVE
4	78706878	3132695	HABANA CAFÉ GULFPORT FLORIDA	TARR	LIVE
5	78860780	3208636	H	TARR	LIVE
6	78705677	3207741	HABANA LEON	TARR	LIVE
7	78810838		HABANA	TARR	LIVE
8	78445783	3130794	GIRALDILLA DE LA HABANA HAND MADE CIGARS	TARR	LIVE
9	78262085	2963545	J.R CLEAR HABANA	TARR	LIVE
10	78205950	2931718	CUERVO Y SOBRINOS HABANA	TARR	LIVE
11	77069054		HABANA OUTPOST	TARR	LIVE
12	77126432		LA HABANA	TARR	LIVE
13	77114256		FONSECA HABANA SELECCION	TARR	LIVE
14	77106944		LA HABANA	TARR	LIVE
15	77022505		HABANA YACHT CLUB	TARR	LIVE
16	76675070		HABANA BLUE	TARR	LIVE
17	76424613	2824478	H C HABANA CUBA CIGAR COMPANY PREMIER SELECTION	TARR	LIVE
18	76423643	2829254	CUBAN PLEASURES HABANA CUBA	TARR	LIVE
19	76609734	3056917	HABANA GOLD	TARR	LIVE
20	76475618	2797152	LA VIEJA HABANA	TARR	LIVE
21	76609744	3064827	HABANA GOLD	TARR	LIVE
22	76415482	2872267	MONSEÑOR DE LA HABANA	TARR	LIVE

EXHIBIT

Bock 6

11.14.07 MA

23	76310797	2935285	HABANA CARGO	TARR	LIVE
24	75788809	2424812	HABANA REAL	TARR	LIVE
25	75493632	2380359	VEGAS ROBAINA R HABANA CUBA	TARR	LIVE
26	75401081	2202978	HABANA GOLD	TARR	LIVE
27	75188521	2202488	HABANA HABANA CUBA	TARR	LIVE
28	74650678		RUM HAVANA CLUB RON HABANA CLUB ARECHABALA	TARR	LIVE
29	74576942	1948393	EDMUNDO DANTES LA HABANA CUBA	TARR	LIVE
30	73567356	1428668	PUNCH GRAN FABRICA DE TABACOS PUNCH, DE J. VALLEY CA MANUEL LOPEZ HABANA	TARR	LIVE
31	72015812	0651960	BACCHANTE HABANA	TARR	LIVE
32	71234469	0226818	BELINDA HABANA	TARR	LIVE

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Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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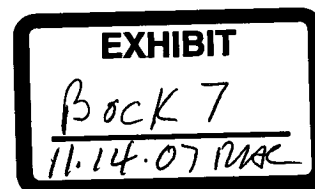
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Typed Drawing

Word Mark	HABANA GOLD
Goods and Services	IC 034. US 002 008 009 017. G & S: CIGARS PRODUCED FROM CUBAN SEED TOBACCO. FIRST USE: 19940801. FIRST USE IN COMMERCE: 19940801
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75401081
Filing Date	December 5, 1997
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 18, 1998
Registration Number	2202978
Registration Date	November 10, 1998
Owner	(REGISTRANT) GOLD LEAF TOBACCO CORP. CORPORATION DELAWARE 2780 Morris Avenue Union NEW JERSEY 07083 (LAST LISTED OWNER) ALEX GOLDMAN INDIVIDUAL UNITED STATES 11-12 WELLING COURT ASTORIA NEW YORK 11102
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	PETER S SLOANE





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**Word Mark** **HABANA HABANA CUBA**

Goods and Services IC 034. US 002 008 009 017. G & S: raw tobacco; cigars; chewing tobacco; cigarettes; cut tobacco; matches; tobacco pipes not of precious metals; pipe holders not of precious metals; ashtrays not of precious metals; match boxes not of precious metals; cigar cases not of precious metals; and humidors not of precious metals

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 06.09.03 - Farms
26.01.21 - Circles that are totally or partially shaded.

Serial Number 75188521**Filing Date** October 28, 1996

Current Filing Basis 44E

Original Filing Basis 44D

Published for Opposition August 18, 1998

Registration Number 2202488

Registration Date November 10, 1998

Owner (REGISTRANT) CORPORACION HABANOS, S.A. CORPORATION CUBA Calle Mercaderes No. 21 Ciudad Habana CUBA

EXHIBIT

Bock 8
11.14.07 RAC

Attorney of Record MICHAEL KRINSKY
Priority Date July 23, 1996
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HABANA, "HABANA CUBA" and the representation of the design of the rolled cigars APART FROM THE MARK AS SHOWN
Description of Mark The mark consists of a picture in oval shape of a tobacco field with a house in the background, a tree on the right side, a shield on the lower left corner, a stack of rolled cigars in the lower right corner, above the picture an oval shape, and the words "HABANA * CUBA" below the picture. The mark is lined for the colors green, blue, brown, gold, red and yellow.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

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TARR Status	ASSIGN Status	TDR	TTAB Status
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 (Use the "Back" button of the Internet Browser to return to TESS)**SAN CRISTOBAL DE
LA HABANA**

Word Mark	SAN CRISTOBAL DE LA HABANA
Translations	The English translation of the mark is "San Christopher of The Havana".
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars; Cigarillos; Smoking tobacco; Tobacco; Snuff; Smokeless tobacco; Chewing Tobacco; Cigarettes; made from Cuban seed tobacco.
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78538391
Filing Date	December 26, 2004
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) L.P. CIGAR CORPORATION CORPORATION FLORIDA 3607 SW 113 COURT Miami FLORIDA 33165
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LA HABANA" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK

EXHIBITBack 9
11.14.07/12/07

Register PRINCIPAL
Other Data San Christopher is a saint in the catholic religion and the saint is venerated in the entire world.
Live/Dead Indicator LIVE

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HABANA LEON

Word Mark	HABANA LEON
Translations	The foreign wording in the mark translates into English as LION.
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars made with Cuban seed tobacco. FIRST USE: 20050630. FIRST USE IN COMMERCE: 20050630
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78705677
Filing Date	September 1, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 28, 2006
Registration Number	3207741
Registration Date	February 13, 2007
Owner	(REGISTRANT) Cigar King, Ltd. CORPORATION ARIZONA 7830 E. Gelding Dr. Scottsdale ARIZONA 85260
Attorney of Record	Edward J. Chalfie
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HABANA" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL

EXHIBIT

BOOK 10

11.14.07 RMC

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Word Mark GIRALDILLA DE LA HABANA HAND MADE CIGARS

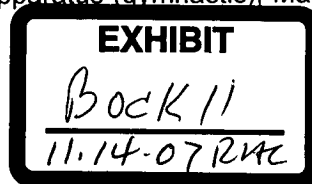
Translations The foreign wording in the mark translates into English as weathercock of the **habana**.

Goods and Services IC 034. US 002 008 009 017. G & S: Cigars; Cigarillos; Cigar bands; Cigar cutters; Cigar tubes; Humidors; Matches; Match boxes not of precious metal; Match holders not of precious metal; Non-electric cigar lighters not of precious metal; Smoking tobacco; Smoking pipes; Smoking pipes cleaners; Smoking urns; Tobacco; Tobacco pouches; Tobacco spittoons; Snuff; Snuff boxes, not of precious metal; Smokeless tobacco; Chewing Tobacco; Ashtrays, not of precious metal; Cigarettes containing tobacco substitutes not for medical purposes; Cigarettes; Cigarettes rolling papers; Cigarette papers; Cigarette lighters not of precious metal; Cigarette lighters not for land vehicles; Cigarette holders, not of precious metal; Cigarette cases, not of precious metal; Cigarette ash receptacles; flints for lighters; herbs for smoking. FIRST USE: 20060510. FIRST USE IN COMMERCE: 20060510

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

- 02.03.02 - Silhouettes of women; Women depicted as shadows or silhouettes of women
- 05.03.01 - Tobacco leaves
- 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths
- 21.03.25 - Archery arm guards; Athletic supporters; Badminton shuttlecocks (birdies); Bags, punching; Balance beams (gymnastic); Basketball backboards; Basketball hoops; Batons, twirling; Billiard cue sticks; Boxing bags; Catcher's mask; Cues, billiard; Decoys, hunting; Diving boards; Face masks (sports); Face Masks, catcher's; Fins, swim; Goal posts, football; Gym bars (jungle gyms, monkey bars); Gymnastic apparatus; Handgrips, exercise; Hockey pucks; Horse apparatus (gymnastic); Masks, athletic; Masks,



catcher's; Masks, fencing; Masks, scuba; Pads, protection (athletic); Parallel bars; Playground equipment; Pool cues; Pucks; Scuba fins or flippers; Scuba masks; Scuba snorkels; Shuttlecocks, badminton birdies; Supporters, athletic; Swim fins; Swim masks; Tees, kicking; Tennis ball throwers (mechanical device); Tetherball game; Trampolines; Twirling batons; Vaulting horses, gymnastic
24.09.25 - Bunting (flags); Flags, signal; Other flags
26.03.02 - Ovals, plain single line; Plain single line ovals

Serial Number 78445783

Filing Date July 3, 2004

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition October 25, 2005

Registration Number 3130794

Registration Date August 15, 2006

Owner (REGISTRANT) PORTAL, Luz A. INDIVIDUAL CUBA 3607 SW 113 Court Miami FLORIDA 33165

(REGISTRANT) PEREZ, Lauro T. INDIVIDUAL CUBA 3607 SW 113 Court Miami FLORIDA 33165

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LA HABANA" "HAND MADE CIGARS" and the pictorial depiction of tobacco leaves APART FROM THE MARK AS SHOWN

Description of Mark The mark consists of A figure of a woman holding by the left hand a flagstaff with a ripped flag and a little baton by the right hand. The figure is included in an oval. Out of the central design representing the woman on the top side is written the sentence "GIRALDILLA DE LA HABANA" in stylized letters and on the down side is written "HAND MADE CIGARS". On the bottom of the mark is a composition of tobacco leaves.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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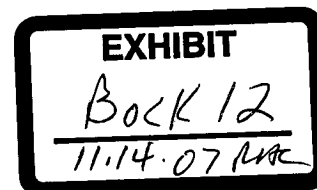
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Word Mark J.R. CLEAR HABANA
Goods and Services IC 034. US 002 008 009 017. G & S: Cigars. FIRST USE: 19951101. FIRST USE IN COMMERCE: 19951101
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design 26.01.26 - Coils; Spirals; Swirls
Search Code 26.11.02 - Plain single line rectangles; Rectangles (single line)
 26.11.03 - Incomplete rectangles; Rectangles (incomplete)
 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal
 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
 26.17.25 - Other lines, bands or bars
Serial Number 78262085
Filing Date June 13, 2003
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition November 9, 2004
Registration



Registration Number 2963545
Registration Date June 21, 2005
Owner (REGISTRANT) Santa Clara, Inc. CORPORATION NORTH CAROLINA 301 Route 10 East Whippany NEW JERSEY 079812104
Attorney of Record Thomas G. Bailey, Jr.
Prior Registrations 1353190;1387728;1894467;1896408;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLEAR HABANA" APART FROM THE MARK AS SHOWN
Description of Mark The colors red and blue are claimed as features of the mark. The color red appears in the wording JR, and the color blue appears in the design elements and the wording CLEAR HABANA.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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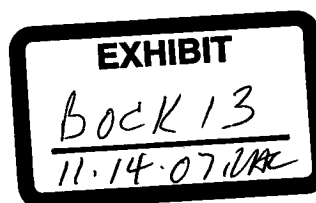
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FONSECA HABANA SELECCION

Word Mark	FONSECA HABANA SELECCION
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars. FIRST USE: 20061031. FIRST USE IN COMMERCE: 20061031
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77114256
Filing Date	February 23, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Manufactura de Tabacos (Matasa), S.A. CORPORATION PANAMA Apartado 708 Santiago DOMINICAN REP
Attorney of Record	Julie A. Greenberg
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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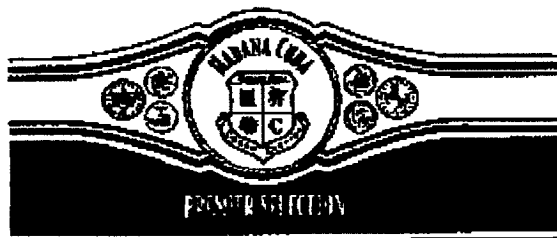
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Word Mark H C HABANA CUBA CIGAR COMPANY PREMIER SELECTION
Goods and Services IC 034. US 002 008 009 017. G & S: Cigars made in part of tobacco grown from Cuban seeds and made in the Cuban style of hand rolling. FIRST USE: 20020615. FIRST USE IN COMMERCE: 20020615
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design 24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
Search Code 26.01.15 - Circles, exactly three circles; Three circles
 26.01.21 - Circles that are totally or partially shaded.
 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)
Serial Number 76424613
Filing Date June 24, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition August 19, 2003
Registration Number 2824478
Registration Date March 23, 2004

EXHIBIT

Book 14
 11.14.07 RAC

Owner (REGISTRANT) HABANA CUBA CIGAR COMPANY CORPORATION FLORIDA 15348 NW 79th Court Miami Lakes FLORIDA 33016

Attorney of Record Manuel R. Valcarcel, Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HABANA CUBA CIGAR COMPANY PREMIER SELECTION" APART FROM THE MARK AS SHOWN

Description of Mark The mark consists of a cigar band with the wording "HABANA CUBA" appearing above an encircled crest which includes the wording "HABANA CUBA CIGAR COMPANY", the letters "H" and "C" and stylized representations of the sun and a tobacco leaf. This crest is bordered on both sides by three circles within which the designs of a crown, gargoyles, a boat, a horse and a soldier appear with stars. The wording "PREMIER SELECTION" appears below. The stippling is a feature of the mark and is not intended to indicate color.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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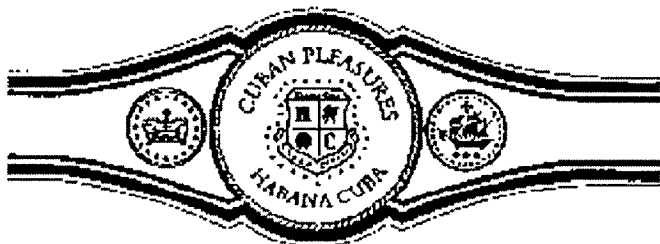
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Word Mark CUBAN PLEASURES HABANA CUBA
Goods and Services IC 034. US 002 008 009 017. G & S: Cigars made in part of tobacco grown from Cuban seeds and made in the Cuban style of handrolling. FIRST USE: 20020615. FIRST USE IN COMMERCE: 20020615
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code

- 01.01.10 - Stars, three or more; Three or more stars
- 18.07.04 - Brigs (boats); Clippers (boats); Schooners (boats); Ships with two and three masts, including brigs, clippers and schooners
- 24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon
- 24.03.25 - Badge, police; Badges; Police badge; Sheriff's badge; Ten Commandments
- 24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
- 24.09.07 - Advertising, banners; Banners
- 26.01.02 - Circles, plain single line; Plain single line circles
- 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
- 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
- 26.01.15 - Circles, exactly three circles; Three circles

Serial Number 76423643
Filing Date June 24, 2002

EXHIBIT

BOOK 15
11.14.07 Pat

**Current
Filing Basis** 1A

**Original
Filing Basis** 1A

**Published
for
Opposition** July 29, 2003

**Registration
Number** 2829254

**Registration
Date** April 6, 2004

Owner (REGISTRANT) HABANA CUBA CIGAR COMPANY CORPORATION FLORIDA 15348 NW 79th Court
Miami Lakes FLORIDA 33016

**Attorney of
Record** Manuel R. Valcarcel, Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUBAN" and "CIGAR COMPANY HABANA CUBA" APART FROM THE MARK AS SHOWN

**Description
of Mark** The mark consists of a cigar band with the wording "CUBAN PLEASURES" appearing above a crest which includes the wording "CIGAR COMPANY", the letters "H" and "C" and stylized representation of the sun and a tobacco leaf. The crest is bordered on both sides by circles within which the designs of a crown and a ship and stars appear. The wording "HABANA CUBA" appears below. The lining and stippling shown in the drawing is a feature of the mark and is not intended to indicate color.

**Type of
Mark** TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Word Mark HABANA GOLD

Translations The English translation of the word "HABANA" in the mark is "HAVANA".

Goods and Services IC 034. US 002 008 009 017. G & S: CIGARS PRODUCED FROM CUBAN SEED TOBACCO. FIRST USE: 19940801. FIRST USE IN COMMERCE: 19940801

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

- 01.01.10 - Stars, three or more; Three or more stars
- 01.01.13 - Stars - multiple stars with five points
- 01.15.05 - Smoke; Steam; Vapor
- 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
- 02.01.31 - Men, stylized, including men depicted in caricature form
- 09.03.01 - Blazers; Coats; Fur coats; Jackets; Parkas; Ponchos; Rain coats; Shawls; Vests, clothing
- 09.03.06 - Camisoles; Exercise clothes, sweatshirts; Jerseys; Shirts; Sweatshirts; Tank tops
- 09.03.15 - Bow ties; Neckties; Ties, neckties or bow ties
- 09.05.05 - Sombreros, cowboy hats (10 gallon hats), other broad-brimmed hats
- 10.01.02 - Cigarettes; Holders, cigarette and cigar
- 26.01.02 - Circles, plain single line; Plain single line circles
- 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
- 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Serial Number 76609734

Filing Date September 1, 2004

EXHIBIT

BOOK 16
11.14.07 RAC

Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 15, 2005
Registration Number 3056917
Registration Date February 7, 2006
Owner (REGISTRANT) Goldman, Alex INDIVIDUAL UNITED STATES 11-22 Welling Court Astoria NEW YORK 11102
Attorney of Record Robert C. Faber
Prior Registrations 2202978
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HABANA" APART FROM THE MARK AS SHOWN
Description of Mark gold. The color gold appears throughout the word and design portions of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark LA VIEJA HABANA
Translations "La Vieja Habana" is "The Old Habana".
Goods and Services IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE: 19970200. FIRST USE IN COMMERCE: 19970200
Mark Drawing Code (1) TYPED DRAWING
Serial Number 76475618
Filing Date December 16, 2002
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 30, 2003
Registration Number 2797152
Registration Date December 23, 2003
Owner (REGISTRANT) Jonathan Drew Inc. CORPORATION NEW YORK 12415 SW 136th Ave, Ste. 2 Miami FLORIDA 33186
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record John W. Goldschmidt, Jr.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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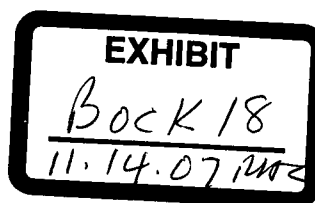
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HABANA GOLD

Word Mark	HABANA GOLD
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars produced from Cuban seed tobacco and made in the Cuban style of hand rolling. FIRST USE: 19940801. FIRST USE IN COMMERCE: 19940801
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	76609744
Filing Date	September 1, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	December 13, 2005
Registration Number	3064827
Registration Date	March 7, 2006
Owner	(REGISTRANT) Goldman, Alex INDIVIDUAL UNITED STATES 11-22 Welling Court Astoria NEW YORK 11102
Attorney of Record	Robert C. Faber
Prior Registrations	2202978
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Habana" APART FROM THE MARK AS SHOWN
Type of Mark Register	TRADEMARK PRINCIPAL



Live/Dead
Indicator

LIVE

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Typed Drawing

Word Mark **MONSEÑOR DE LA HABANA**

Translations The words "DE LA HABANA" of the mark may be translated from Spanish into English as "OF HAVANA".

Goods and Services IC 034. US 002 008 009 017. G & S: cigars. FIRST USE: 20021000. FIRST USE IN COMMERCE: 20021000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76415482

Filing Date May 31, 2002

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition December 17, 2002

Registration Number 2872267

Registration Date August 10, 2004

Owner (REGISTRANT) Thompson & Co. of Tampa, Inc. CORPORATION FLORIDA 5401 Hangar Court Tampa FLORIDA 33634

Attorney of Record David W. Pettis, Jr., Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DE LA HABANA" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark HABANA REAL

Goods and Services IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE: 19990108. FIRST USE IN COMMERCE: 19990108

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.17.09 - Maps of countries other than the United States
05.03.25 - Leaf, single; Other leaves
26.03.03 - Incomplete ovals; Ovals, incomplete

Serial Number 75788809

Filing Date August 27, 1999

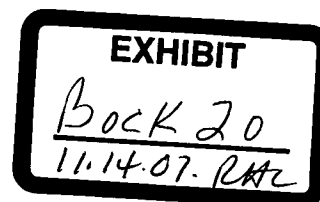
Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 7, 2000

Registration Number 2424812

Registration Date January 30, 2001



Owner (REGISTRANT) Danli Tobacco Shop, Inc. CORPORATION FLORIDA 1935 West Flagler Street Miami FLORIDA 33135

Attorney of Record Jesus Sanchelima

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HABANA" and the representation of the design of the island of Cuba APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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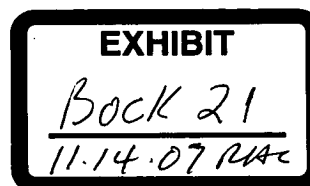
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TARR Status	ASSIGN Status	TDR	TTAB Status
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**Word Mark** VEGAS ROBAINA R HABANA CUBA
Translations The English translation of the Spanish words "TUDA UNA TRADICION Y EXPERIENCIA" is "All a tradition and experience". The English translation of "VEGAS ROBAINA" is "the tobacco farms belonging to Robaina".

Goods and Services IC 034. US 002 008 009 017. G & S: RAW TOBACCO, CIGARS, CHEWING TOBACCO, CIGARETTES, CUT TOBACCO, RAPPEE, MATCHES, TOBACCO PIPES NOT OF PRECIOUS METALS, TOBACCO PIPE HOLDERS NOT OF PRECIOUS METALS, ASHTRAYS NOT OF PRECIOUS METALS, MATCH BOXES NOT OF PRECIOUS METALS, CIGAR CASES NOT OF PRECIOUS METALS, AND HUMIDORS NOT OF PRECIOUS METALS

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.37 - Busts of men in profile; Heads of men in profile; Men - heads, portraiture, or busts in profile; Portraiture of men in profile
 06.01.04 - Mountains (landscapes); Scenery with mountains
 06.09.05 - Other cultivated areas
 19.05.05 - Crates
 26.01.02 - Circles, plain single line; Plain single line circles
 26.01.21 - Circles that are totally or partially shaded.
 26.17.03 - Dotted line(s); Lines, dotted
Serial Number 75493632**Filing Date** May 27, 1998**Current Filing Basis** 44E**Original Filing**

Basis 44E
Published for Opposition June 6, 2000
Registration Number 2380359
Registration Date ~~August 29, 2000~~
Owner (REGISTRANT) Corporacion Habanos, S.A. DBA Habanos, S.A. CORPORATION CUBA
Mercaderes No. 21 Entre O'Reilly y Empedrado Havana CUBA
Attorney of Record MICHAEL KRINSKY
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "1885", "HABANA CUBA", "VEGAS",
"TODA UNA TRADICION Y EXPERIENCIA" and designs of a cigar and cigar case APART FROM
THE MARK AS SHOWN
Description of Mark The mark consists of a picture of a tobacco field with a path running through it, with two houses, four
trees and a mountain range in the background, with a man in a fedora with a cigar in his hand in the
foreground right side, an open cigar box in the lower right corner, and a ribbon with the words "TODA
UNA TRADICION Y EXPERIENCIA" across sprigs of tobacco plants across the bottom with a circle
in the middle with the letter "R" with the date "1855" underneath and the words "HABANA CUBA"
below the picture. The lining and stippling are features of the mark and do not indicate color.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Other Data The name "Robaina" identifies a living individual whose consent is of record.
Live/Dead Indicator LIVE

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Word Mark	EDMUNDO DANTES LA HABANA CUBA
Goods and Services	IC 034. US 002 008 009 017. G & S: cigarettes, cut tobacco, rappee, manufactured tobacco of all kinds, matches, tobacco, pipes, pipe-holders, ashtrays not made of precious metal, match boxes, cigar cases and humidors
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	07.03.02 - Cathedral; Churches 24.13.25 - Cross, ankh; Cross, Maltese; Other crosses, including ankh, Maltese
Serial Number	74576942
Filing Date	September 22, 1994
Current Filing Basis	44E
Original Filing Basis	44E
Published for Opposition	October 24, 1995
Registration Number	1948393
Registration Date	January 16, 1996
Owner	(REGISTRANT) EMPRESA CUBANA DEL TABACO CORPORATION CUBA Calle O'Reilly No. 104 Ciudad Habana CUBA
Assignment	

EXHIBIT

BOOK 22
11.14.07 RAC

Recorded ASSIGNMENT RECORDED
Attorney of Record DAVID B GOLDSTEIN
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LA HABANA" and "CUBA" APART FROM THE MARK AS SHOWN
Description of Mark The stippling in the drawing is a feature of the mark and not intended to indicate color.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20050610.
Renewal 1ST RENEWAL 20050610
Other Data The name in the mark "EDMUNDO DANTES" is a fictional character and does not identify a living individual.
Live/Dead Indicator LIVE

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Word Mark PUNCH GRAN FABRICA DE TABACOS PUNCH, DE J. VALLEY CA MANUEL LOPEZ **HABANA**

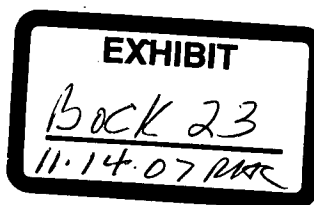
Translations THE ENGLISH TRANSLATION OF "GRAN FABRICA DE TABACOS" IN THE MARK IS "LARGE TOBACCO FACTORY".

Goods and Services IC 034. US 017. G & S: CIGARS. FIRST USE: 19750000. FIRST USE IN COMMERCE: 19750000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

- 02.01.16 - Historical costumes (men wearing); Men, other wearing folk or historical costumes
- 02.03.13 - Cowgirl; Folk costumes (women wearing); Gypsies (women); Nuns; Women, other women wearing folk, historical or cowgirl costumes, including gypsies; nuns
- 02.07.03 - Groups, males and females
- 02.09.04 - Humans, including men, women and children, depicted sitting or kneeling; Kneeling, humans; Sitting, humans
- 02.09.11 - Humans engaged in other work; Humans, including men, women and children, depicted engaged in other work
- 03.01.08 - Dogs; Puppies
- 12.01.04 - Arm chairs; Bar stools; Bean bag chairs; Booster chairs, baby; Chairs, (bean bag, desk, dining, folding, high, rocking, chaise lounge); High chairs; Ottomans; Rocking chairs; Step stools; Stools
- 12.01.07 - Billiard tables; Cabinets, cabins; Coffee tables; Conference tables; Dressing tables; End tables; Folding tables; Game tables; Nightstands; Picnic tables; Table tennis tables; Table, computer; Tables; Tables, pool



19.07.09 - Boxes, bread; Boxes, jewelry; Boxes, take out food; Boxes, tissue; Recipe boxes
21.01.10 - Marionettes and puppets; Puppets and marionettes
24.07.01 - Coins; Money (coins)
24.07.04 - Medals
25.01.25 - Borders, ornamental; Other framework and ornamental borders
26.03.07 - Ovals with a decorative border, including scalloped, ruffled and zig-zag edges

Serial Number 73567356
Filing Date November 7, 1985
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 18, 1986
Registration Number 1428668
Registration Date February 10, 1987
Owner (REGISTRANT) VILLAZON & COMPANY, INC. CORPORATION FLORIDA 7300 Beaufont Springs Drive
Richmond VIRGINIA 23225

(LAST LISTED OWNER) General Cigar Co., Inc. CORPORATION DELAWARE 7300 Beaufont Springs
Drive Richmond VIRGINIA 23255

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Scott Greenberg
Prior Registrations 0833576;0855000;0915385
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GRAN FABRICA DE TABACOS" APART
FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070902.
Renewal 1ST RENEWAL 20070902
Live/Dead Indicator LIVE

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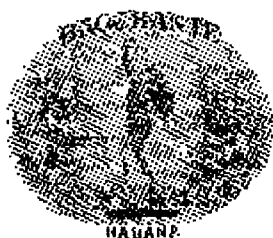
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Word Mark	BACCHANTE HABANA
Goods and Services	IC 034. US 017. G & S: CIGARS. FIRST USE: 19010300. FIRST USE IN COMMERCE: 19300000
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.01.32 - Astronauts (men); Frogmen; Men, other, including frogmen, men wearing space suits and men wearing monacles; Monacles (men wearing) 02.01.39 - Bathing suits, men wearing; Nude men, men wearing underclothes, bathing suits or brief attire; Underwear, men wearing 04.01.07 - Aliens; Apollo (mythology); Athena (mythology); Caped characters (super heroes); Ghosts; Mythological beings, superbeings, ghosts, aliens; Super heroes; Zeus (mythology) 26.03.21 - Ovals that are completely or partially shaded
Serial Number	72015812
Filing Date	September 17, 1956
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0651960
Registration Date	September 24, 1957
Owner	(REGISTRANT) CHARLES ODENCE CO., INC. CORPORATION MASSACHUSETTS 9 UNION

EXHIBIT

Bock 24

11.14.07 RUC

ST. BOSTON MASSACHUSETTS

(LAST LISTED OWNER) SMISHER INTERNATIONAL, INC. CORPORATION DELAWARE 459
EAST 16TH STREET JACKSONVILLE FLORIDA 32206

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record DONALD C LUCAS
Disclaimer THE WORD "HABANA" IS HEREBY DISCLAIMED.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15.
Renewal 2ND RENEWAL 19971029
Live/Dead Indicator LIVE

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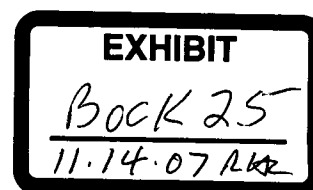
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Word Mark	BELINDA HABANA
Goods and Services	IC 034. US 017. G & S: CIGARS. FIRST USE: 18730418. FIRST USE IN COMMERCE: 18730418
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.03.25 - Fans (women holding); Hobos (women); Weapons (women carrying); Women, other women including hobos, women holding fans and armed women 05.05.01 - Lilies; Orchids; Tulips 05.05.25 - Daffodils; Iris (flower); Other flowers 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths 06.03.25 - Marinas 24.07.01 - Coins; Money (coins) 24.07.04 - Medals
Serial Number	71234469
Filing Date	July 13, 1926
Current Filing Basis	1A;44E
Original Filing Basis	1A;44E
Registration Number	0226818
Registration Date	April 19, 1927
Owner	(REGISTRANT) FERNANDEZ, PALICIO Y CIA. S. EN C. LIMITED PARTNERSHIP CUBA



MARQUES GONZALEZ 10 HABANA CUBA

(LAST LISTED OWNER) VILLAZON & COMPANY, INC. CORPORATION ASSIGNEE OF
FLORIDA 7300 Beaufont Springs Drive Richmond VIRGINIA 23225

Assignment Recorded	ASSIGNMENT RECORDED
Prior Registrations	0018871;0051700;0111205
Disclaimer	NO CLAIM BEING MADE TO THE EXCLUSIVE USE OF THE WORD "HABANA" APART FROM THE MARK AS SHOWN IN THE DRAWING.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Renewal	3RD RENEWAL 19870419
Other Data	THE REPRESENTATION OF THE FEMALE HEAD BEING FANCIFUL
Live/Dead Indicator	LIVE

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HAVANA CLASSICO

Word Mark HAVANA CLASSICO**Translations** The word "classico" is translated as "classic".**Goods and Services** IC 034. US 002 008 009 017. G & S: CIGARS MADE FROM CUBAN SEED TOBACCO; CIGAR HUMIDORS; CIGAR CUTTERS, CIGAR CASES, AND CIGAR ASHTRAYS, ALL NOT MADE OF PRECIOUS METALS. FIRST USE: 20050401. FIRST USE IN COMMERCE: 20050401**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 78634706**Filing Date** May 23, 2005**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** September 4, 2007**EXHIBIT**Bock 26
11.14.07 RAC

Owner (APPLICANT) CIGARS INTERNATIONAL, INC. CORPORATION DELAWARE 6771 CHRISPALT DRIVE
BATH PENNSYLVANIA 18014

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** DAVID M. PERRY

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA" APART FROM THE MARK AS
SHOWN

**Type of
Mark** TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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 (Use the "Back" button of the Internet Browser to return to TESS)
**Word Mark** HAVANA HONEYS
Goods and Services IC 034. US 002 008 009 017. G & S: Absorbent paper for tobacco pipes; Cigar boxes not of precious metal; Cigar cutters; Cigar humidifiers; Cigar tubes; Cigarette ash receptacles; Cigarettes; Cigars; Non-electric cigar lighters not of precious metal; Tobacco. FIRST USE: 19980717. FIRST USE IN COMMERCE: 19980717

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 05.05.25 - Daffodils; Iris (flower); Other flowers

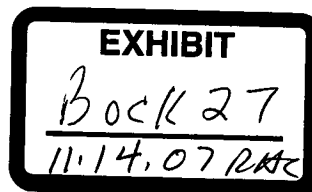
Serial Number 78743951

Filing Date October 31, 2005

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition August 28, 2007

Owner (APPLICANT) Havana Honeys Holdings, LLC LTD LIAB CO NEVADA Suite 19 2250 E. Tropicana Las


Vegas NEVADA 89119

**Attorney of
Record**

Jason D. Firth

**Prior
Registrations**

2548553;2607378

**Description
of Mark**

Color is not claimed as a feature of the mark. The mark consists of the wording HAVANA HONEYS outlined with two flowers in between the words Havana and Honey.

Type of Mark TRADEMARK**Register** PRINCIPAL-2(F)**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

"Simply the sweetest smoke this side of Havana"

POCO DISPLAY

POCO TUBES DISPLAYED
IN COUNTER CONTROL UNIT
HONEY & VANILLA
OR RUM & CHERRY



POCO

TEN PACK
(10 CIGARS)
HONEY
VANILLA
RUM
BLACKBERRY
CHOCOLATE



POCO 3 1/2 X 20

50 CIGARS
HONEY, VANILLA, RUM,
BLACKBERRY, CHOCOLATE



POCO CARTON

50 TUBES
HONEY, VANILLA, RUM,
CHERRY, CHOCOLATE



DEL SOL

5 1/2 X 42
HONEY, VANILLA,
RUM,
BLACKBERRY,
CHOCOLATE



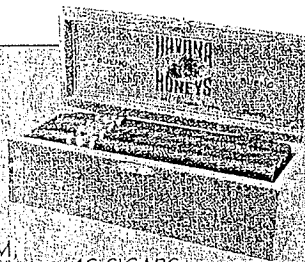
DEL SOL TUBES

20 INDIVIDUAL BEE TUBES
FOR LASTING FRESHNESS
HONEY, VANILLA, RUM,
BLACKBERRY, CHOCOLATE



BUENO

7 X 36
HONEY, VANILLA, RUM,
BLACKBERRY, CHOCOLATE



10 COUNT TINS

4 X 30

HONEY
VANILLA
RUM
CHERRY
BLACKBERRY
CHOCOLATE



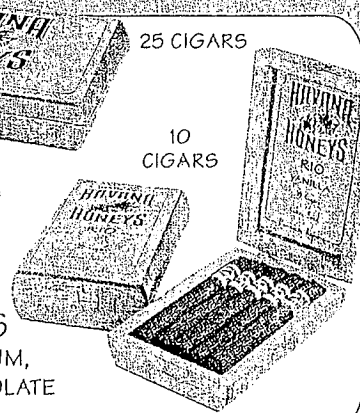
RIO 5 X 36

HONEY, VANILLA, RUM,
BLACKBERRY, CHOCOLATE



25 CIGARS

10 CIGARS



HONEY POT

4 X 30
INDIVIDUAL BEE TUBES.
HONEY



HONEY BEE CARTON

4 X 30
30 INDIVIDUAL BEE TUBES.
HONEY, VANILLA, RUM,
CHERRY, BLACKBERRY,
CHOCOLATE



EXHIBIT

BOOK 28
11.14.07 RAC

Hand Made • Cuban Seed • Dominican Republic

Manufactured & Distributed by
HAVANA HONEYS, INC.

000165 MAY 16 2008 FREE INFO NO. 52

4325 Industrial Rd. #315
Las Vegas, Nevada 89103

Fax
702/369-9300

702/369-1100
800/987-9992

Email
hh@havanahoneys.com

Website
havanahoneys.com



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HAVANA HONEYS

Word Mark HAVANA HONEYS

Goods and Services IC 034. US 002 008 009 017. G & S: Absorbent paper for tobacco pipes; Cigar boxes not of precious metal; Cigar cutters; Cigar humidifiers; Cigar tubes; Cigarette ash receptacles; Cigarettes; Cigars; Non-electric cigar lighters not of precious metal; Tobacco. FIRST USE: 19980717. FIRST USE IN COMMERCE: 19980717

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

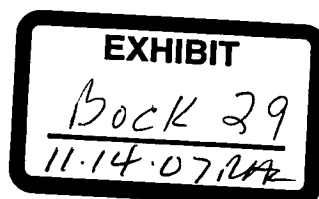
Serial Number 78743946

Filing Date October 31, 2005

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition August 28, 2007



Owner (APPLICANT) Havana Honeys Holdings, LLC LTD LIAB CO NEVADA Suite 19 2250 E. Tropicana Las Vegas NEVADA 89119

Attorney of Record Jason D. Firth

Prior Registrations 2548553;2607378

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead Indicator LIVE

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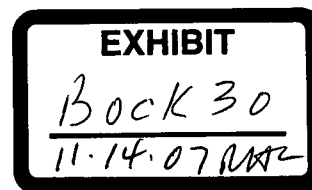
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[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 16 out of 159**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)GRAND HAVANA HOUSE OF
CIGARS

Word Mark	GRAND HAVANA HOUSE OF CIGARS
Goods and Services	IC 035. US 100 101 102. G & S: cigar and accessories retail store services. FIRST USE: 19970000. FIRST USE IN COMMERCE: 19970000
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78911203
Filing Date	June 19, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 10, 2007
Owner	(APPLICANT) Grand Havana Enterprises, Inc. CORPORATION CALIFORNIA 3rd Floor 1990 Westwood Boulevard Los Angeles CALIFORNIA 90025
Attorney of Record	David W. Grace
Prior Registrations	2064411
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CIGARS" APART FROM THE MARK



AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Havana Moassel

Word Mark HAVANA MOASSEL

Translations The foreign wording in the mark translates into English as MOLASSES.

Goods and Services IC 034. US 002 008 009 017. G & S: FLAVORED TOBACCO, MOLASSES-FLAVORED TOBACCO AND HOOKAH TOBACCO MADE FROM TOBACCO GROWN FROM CUBAN TOBACCO SEED. FIRST USE: 20020701. FIRST USE IN COMMERCE: 20020701

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78615880

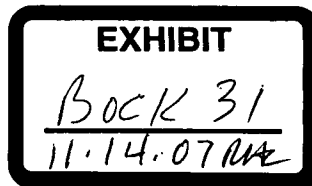
Filing Date April 25, 2005

Current Filing Basis 1A

Original Filing Basis 1B

Supplemental Register Date August 28, 2006

Registration



Registration Number 3226089

Registration Date April 3, 2007

Owner (REGISTRANT) Allos, Akram Y. INDIVIDUAL UNITED STATES 21060 Coolidge Hwy. Oak Park MICHIGAN 48237

Attorney of Record Christopher J. Day

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOASSEL" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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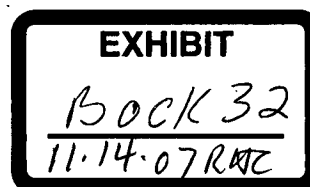
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HAVANA SOUL

Word Mark	HAVANA SOUL
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars made with Cuban seed tobacco. FIRST USE: 20050630. FIRST USE IN COMMERCE: 20050630
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78705672
Filing Date	September 1, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 28, 2006
Registration Number	3207740
Registration Date	February 13, 2007
Owner	(REGISTRANT) Cigar King, Ltd. CORPORATION ARIZONA 7830 E. Gelding Dr. Scottsdale ARIZONA 85260
Attorney of Record	Edward J. Chalfie
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Havana" APART FROM THE MARK



AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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HAVANA SUN GROWN

Word Mark

HAVANA SUN GROWN

Goods and Services

IC 034. US 002 008 009 017. G & S: cigars made with Cuban seed tobacco, cigar bands and cigar cutters. FIRST USE: 20010801. FIRST USE IN COMMERCE: 20010801

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

78505875

Filing Date

October 26, 2004

Current Filing Basis

1A

Original Filing Basis

1A

Supplemental Register Date

September 22, 2006

Registration Number

3178708

Registration Date

November 28, 2006

EXHIBIT

Bock 33
11-14-07 RHC

Owner (REGISTRANT) RUBIN, ALAN INDIVIDUAL UNITED STATES 334 FAIRMONT ROAD WESTON
FLORIDA 33326

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Scott M. Behren, Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "sun grown" APART FROM THE MARK
AS SHOWN

Type of Mark TRADEMARK

Register SUPPLEMENTAL

**Live/Dead
Indicator** LIVE

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 (Use the "Back" button of the Internet Browser to return to TESS)HAVANA GROUP
CIGARS

Word Mark	HAVANA GROUP CIGARS
Goods and Services	IC 034. US 002 008 009 017. G & S: Hand made cigars made from Cuban Seed Tobacco. FIRST USE: 20050217. FIRST USE IN COMMERCE: 20050217
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78575733
Filing Date	February 26, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	June 6, 2006
Registration Number	3143706
Registration Date	September 12, 2006
Owner	(REGISTRANT) HAVANA GROUP CIGARS, INC CORPORATION FLORIDA 17542 NW 87 PL

EXHIBIT

Bock 34
11.14.07 QAZ

MIAMI FLORIDA 33018

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Group Cigars" APART FROM THE MARK AS SHOWN

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

**Live/Dead
Indicator**

LIVE

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Havana Dreams Cigar Factory

Word Mark HAVANA DREAMS CIGAR FACTORY

Goods and Services IC 034. US 002 008 009 017. G & S: Cigars

IC 035. US 100 101 102. G & S: Arranging and conducting trade show exhibitions in the field of cigar rolling

Standard Characters
Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78768016

Filing Date December 6, 2005

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) rodriguez, lazaro tejera CORPORATION FLORIDA 1717 e. 7th. ave. ste.2 tampa FLORIDA 33605

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA" and "CIGAR FACTORY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark "LA HABANERA"

Translations The foreign wording in the mark translates into English as a female native or inhabitant of the city of Havana.

Goods and Services IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE: 19220421. FIRST USE IN COMMERCE: 19801009

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

- 02.03.24 - Women, stylized, including women depicted in caricature form
- 02.03.25 - Fans (women holding); Hobos (women); Weapons (women carrying); Women, other women including hobos, women holding fans and armed women
- 02.09.04 - Humans, including men, women and children, depicted sitting or kneeling; Kneeling, humans; Sitting, humans
- 02.09.06 - Carrying items, humans; Humans, including men, women and children, depicted toting items, such as buckets or bags; Toting items, humans
- 05.01.03 - Palm trees
- 05.01.25 - Cypress tree; Other trees or bushes; Willow tree
- 05.13.25 - Bales of hay or straw; Hay in bales; Other plants including bales of hay or straw; Straw in bales
- 06.01.04 - Mountains (landscapes); Scenery with mountains
- 06.03.03 - Ocean; Ripples (multiple waves); Waves, open sea (multiple waves)
- 07.01.04 - Detached house
- 14.11.01 - Keys with heads of circular, oval or lobed shape
- 18.07.06 - Other stylized sail boats

EXHIBIT

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11.14.07 [initials]

24.01.01 - Shields or crests (plain) with neither a figurative element nor an inscription contained therein or superimposed thereon

24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon

Serial Number 78230806

Filing Date March 27, 2003

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition June 22, 2004

Registration Number 2968322

Registration Date July 12, 2005

Owner (REGISTRANT) La Tabacalera, C. Por A. CORPORATION DOMINICAN REP Hipolito Herrera Bellini Esquina Juan B. Perez Centro de los Heroes Santo Domingo DOMINICAN REP

Attorney of Record Jesus Sanchelima, Esq.

Prior Registrations 2533854

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)-IN PART

Live/Dead Indicator LIVE

Distinctiveness

Limitation Statement as to "La Habanera"

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Word Mark HOJA DE HABANO

Translations The foreign wording in the mark translates into English as Leaf of **Havana**.

Goods and Services IC 034. US 002 008 009 017. G & S: Cigars made from tobacco grown from Cuban seed. FIRST USE: 20010909. FIRST USE IN COMMERCE: 20010909

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design 01.01.10 - Stars, three or more; Three or more stars

Search Code 01.01.13 - Stars - multiple stars with five points

05.03.01 - Tobacco leaves

26.03.08 - Letters, numerals or punctuation forming the perimeter of an oval or bordering the perimeter of an oval; Ovals having letters or numerals as a border; Ovals having punctuation as a border

Serial Number 78362348

Filing Date February 4, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for March 8, 2005

EXHIBIT

Book 37

11.14.07 RAC

Opposition**Registration
Number** 2957140**Registration
Date** May 31, 2005**Owner** (REGISTRANT) Thompson & Co. of Tampa, Inc. CORPORATION FLORIDA 5401 Hangar Court Tampa
FLORIDA 33634**Attorney of
Record** David W. Pettis, Jr.,**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Hoja de Habano" and the representation of a
tobacco leaf APART FROM THE MARK AS SHOWN**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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Word Mark H HAVANA

Goods and Services IC 034. US 002 008 009 017. G & S: Cigarettes made from "Cuban" seed tobacco. FIRST USE: 20020200. FIRST USE IN COMMERCE: 20020200

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
05.01.03 - Palm trees
24.09.07 - Advertising, banners; Banners

Serial Number 78111976

Filing Date March 1, 2002

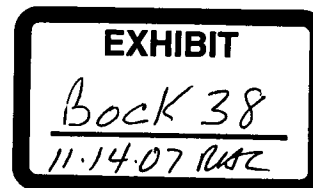
Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition May 18, 2004

Registration Number 3114773

Registration Date July 11, 2006



Owner (REGISTRANT) HAVANA INTERNATIONAL INC. DBA HAVANA CORPORATION FLORIDA 3924 WEST BIRD STREET TAMPA FLORIDA 33614

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Dennis L. Cook, Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVANA" APART FROM THE MARK AS SHOWN

Description of Mark The mark consists of the word 'Havana' in a banner with a circle containing the letter 'H' and palm trees. The circle is red, the palm trees gold, and the banner gold with black.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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La Habanera

Word Mark	LA HABANERA
Translations	The foreign wording in the mark translates into English as a female native or inhabitant of the city of Havana.
Goods and Services	IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE: 19220421. FIRST USE IN COMMERCE: 19801009
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78230861
Filing Date	March 27, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	June 22, 2004
Registration Number	2500000
Registration Date	May 31, 2005
Owner	(REGISTRANT) La Tabacalera, C. Por A. CORPORATION DOMINICAN REP Hipolito Herrera Bellini, Esquina Juan B. Perez Centro de los Heroes Santo Domingo DOMINICAN REP
Attorney of Record	Jesus Sanchelima, Esq.
Prior Registrations	2533854
Type of Mark	TRADEMARK

EXHIBIT

Bock 39
11.14.07 RAC

Register PRINCIPAL-2(F)
 Live/Dead
 Indicator LIVE

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Typed Drawing

Word Mark	HAVANA
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigarettes made from Cuban seed tobacco. FIRST USE: 20020200. FIRST USE IN COMMERCE: 20020200
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78111982
Filing Date	March 1, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Supplemental Register Date	April 9, 2004
Registration Number	2807974
Registration Date	September 21, 2004
Owner	(REGISTRANT) HAVANA INTERNATIONAL INC. DBA HAVANA CORPORATION FLORIDA 2335 NW 107TH AVE B-40 MIAMI FLORIDA 33172
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Monica B. Mason
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Live/Dead Indicator	LIVE

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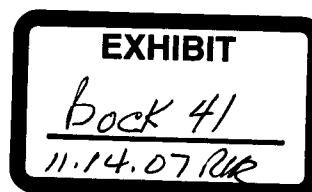
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HAVANA BLOSSOM

Word Mark	HAVANA BLOSSOM
Goods and Services	IC 034. US 002 008 009 017. G & S: chewing tobacco. FIRST USE: 19640531. FIRST USE IN COMMERCE: 19640531
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78052087
Filing Date	March 8, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 9, 2002
Registration Number	2588575
Registration Date	July 2, 2002
Owner	(REGISTRANT) National Tobacco Company, L.P. composed of the general partner, National Tobacco Finance Corporation, a Delaware corporation LIMITED PARTNERSHIP DELAWARE 257 Park Avenue South, 7th Floor New York NEW YORK 10010
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Amy B. Berge
Prior Registrations	1358381



Type of Mark TRADEMARK
 Register PRINCIPAL-2(F)
 Live/Dead Indicator LIVE

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HAVANA JOE'S

Word Mark	HAVANA JOE'S
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars from Cuban seed tobacco
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77975090
Filing Date	August 15, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) HAVANA JOE'S RESTAURANT CONCEPTS LLC LTD LIAB CO FLORIDA Suite 400 4023 North Armenia Ave. Tampa FLORIDA 33607
Attorney of Record	Ruth E. Freeburg
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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HAVANA JEWELS

Word Mark	HAVANA JEWELS
Goods and Services	IC 034. US 002 008 009 017. G & S: (Based on Intent to Use) Cigars
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77271494
Filing Date	September 4, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) HAVANA JEWEL CIGARS INC. CORPORATION FLORIDA 7396 SW 117TH AVE MIAMI FLORIDA 33183
Attorney of Record	Xavier Morales
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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HAVANA COLLECTION

Word Mark	HAVANA COLLECTION
Goods and Services	IC 034. US 002 008 009 017. G & S: CIGARS; CIGAR CUTTERS; NON-ELECTRIC CIGAR LIGHTERS NOT OF PRECIOUS METAL; HUMIDORS; AND CIGAR CARRYING CASES NOT OF PRECIOUS METAL. FIRST USE: 20060800. FIRST USE IN COMMERCE: 20060800
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77273188
Filing Date	September 6, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) XIKAR, INC. CORPORATION KANSAS 3305 Terrace Street Kansas City MISSOURI 64111
Attorney of Record	J. DAVID WHARTON, REG. NO. 25,717
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	HAVANA DREAMS
Goods and Services	IC 034. US 002 008 009 017. G & S: Tobacco products, cigars and little cigars made from Cuban seed tobacco. FIRST USE: 20000731. FIRST USE IN COMMERCE: 20000731
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.01.12 - Stars - multiple stars with four points 01.11.02 - Moons, crescent; Moons, half; Partial moons, including half moons and crescent moons (not a moon with craters) 05.01.03 - Palm trees 05.01.10 - More than one tree or bush; thicket; group of trees; Thicket
Serial Number	77117874
Filing Date	February 28, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Acapa International, LTD CORPORATION CALIFORNIA 1660 Santa Ana Street Costa Mesa CALIFORNIA 92627
Attorney of Record	Owen J. Bates
Description of Mark	The mark consists of a central image of a palm tree, 4 stars and a crescent moon. The word "Havana" is located above the central image and the word "Dreams" is located below the central image..

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Type of Mark TRADEMARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

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HAVANA DREAMS

Word Mark	HAVANA DREAMS
Goods and Services	IC 034. US 002 008 009 017. G & S: Tobacco products, cigars and little cigars made from Cuban seed tobacco. FIRST USE: 20020630. FIRST USE IN COMMERCE: 20020630
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77115494
Filing Date	February 24, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Acapa International, LTD CORPORATION CALIFORNIA 1660 Santa Ana Street Costa Mesa CALIFORNIA 92627
Attorney of Record	Owen J. Bates
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Havana" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	HAVANA DREAMS
Goods and Services	IC 034. US 002 008 009 017. G & S: Tobacco products, cigars and little cigars made from Cuban seed tobacco. FIRST USE: 20020630. FIRST USE IN COMMERCE: 20020630
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.01.03 - Palm trees 26.03.02 - Ovals, plain single line; Plain single line ovals
Serial Number	77115388
Filing Date	February 24, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Acapa International, LTD CORPORATION CALIFORNIA 1660 Santa Ana Street Costa Mesa CALIFORNIA 92627
Attorney of Record	Owen J. Bates
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Havana" APART FROM THE MARK AS SHOWN
Description of Mark	The mark consists of a palm tree, 4 stars, and a crescent moon surround by an an oval. The word "Havana" is located to the left of the oval and the word "Dreams" is located to the right of the oval..
Type of Mark	TRADEMARK
Register	PRINCIPAL

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Word Mark LA HABANERA

Translations The English translation of "LA HABANERA" is "a female native or inhabitant of the city of Havana".

Goods and Services IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE: 19220421. FIRST USE IN COMMERCE: 19801009

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76121118

Filing Date September 1, 2000

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 6, 2001

Registration Number 2533854

Registration Date January 29, 2002

Owner (REGISTRANT) La Tabacalera, C. Por A. CORPORATION DOMINICAN REP Heroes De Luperon #3 Ensanche La Paz Santo Domingo DOMINICAN REP

Attorney of Record JESUS SANCHELIMA, ESQ.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

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Word Mark	HAVANA CLASSIC LONG FILLER HAND MADE
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars made with Cuban seed tobacco. FIRST USE: 20040806. FIRST USE IN COMMERCE: 20040806
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.05 - Ovals made of broken or dotted lines 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric 26.03.21 - Ovals that are completely or partially shaded
Serial Number	76605913
Filing Date	August 6, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 17, 2006
Registration Number	3223403
Registration Date	March 27, 2007
Owner	(REGISTRANT) Havana Cigar Manufacturing Company, Inc. CORPORATION FLORIDA 1720 W. Flagler Street Miami FLORIDA 33125
Attorney of	

EXHIBIT

Block 49
11.14.07 RAR

Record Stephen T. Samuel
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Havana Classic" "Long Filler"
"Hand Made" APART FROM THE MARK AS SHOWN
Description of Mark The mark consists of a black oval containing an oval formed with a dotted line along its inside
border in the center of which are the words "Havana Classic" "Long Filler" and "Hand Made".
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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La Gianna Havana

Word Mark	LA GIANNA HAVANA
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigars. FIRST USE: 19950401. FIRST USE IN COMMERCE: 19950501
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	76673201
Filing Date	February 26, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Garofalo, David INDIVIDUAL NOT PROVIDED 16 Lantern Lane Londonderry NEW HAMPSHIRE 03053
Attorney of Record	Michael E. Kushnir
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark H JOYA DE HAVANNA HAND MADE

Translations JOYA DE HAVANA is translated to mean Jewel of Havana.

Goods and Services IC 034. US 002 008 009 017. G & S: cigars made from Cuban seed tobacco. FIRST USE: 20030900. FIRST USE IN COMMERCE: 20030900

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

- 02.01.01 - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or busts facing forward; Portraiture of men facing forward
- 02.03.01 - Busts of women facing forward; Heads of women facing forward; Portraiture of women facing forward; Women - head, portraiture or busts facing forward
- 02.07.03 - Groups, males and females
- 09.01.10 - Blinds, window; Curtains; Shades, windows; Venetian blinds; Window blinds
- 24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
- 24.09.07 - Advertising, banners; Banners
- 24.11.01 - Crowns closed at the top
- 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
- 26.01.21 - Circles that are totally or partially shaded.
- 26.03.07 - Ovals with a decorative border, including scalloped, ruffled and zig-zag edges
- 26.03.21 - Ovals that are completely or partially shaded
- 26.03.28 - Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals; Oval shape (miscellaneous overall shape)
- 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)

Serial Number 76549547

Filing Date October 6, 2003

EXHIBIT

Block 51
11.14.07.120k

Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 28, 2004
Registration Number 2912374
Registration Date December 21, 2004
Owner (REGISTRANT) LEVY CAFE, INC. CORPORATION PENNSYLVANIA 524 S. 3RD STREET PHILADELPHIA PENNSYLVANIA 19147
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAND MADE" and "HAVANA" APART FROM THE MARK AS SHOWN
Description of Mark The color(s) silver is/are claimed as a feature of the mark. The color silver is noted specifically in the crown, the banner stating the cigar name, the center "H", the coins on the side, as well as the draping around the "H" and the outermost border. Black is used for the type, outlining and slight coloring in the draping. White is used as background. The lining and stippling in the drawing does not indicate color.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	HAVANA HONEYS
Goods and Services	IC 034. US 002 008 009 017. G & S: CIGARS AND LITTLE CIGARS MADE FROM CUBAN SEED TOBACCO. FIRST USE: 19980717. FIRST USE IN COMMERCE: 19980717
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.05.25 - Daffodils; Iris (flower); Other flowers
Serial Number	76297283
Filing Date	August 9, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 21, 2002
Registration Number	2607378
Registration Date	August 13, 2002
Owner	(REGISTRANT) Cigar Express, Inc. CORPORATION NEVADA 3133 Industrial Road Las Vegas NEVADA 89109

(LAST LISTED OWNER) HAVANA HONEYS HOLDINGS, LLC LTD LIAB CO NEVADA 2250 E.

